

SENATE.

TUESDAY, May 8, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. PRITCHARD, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, stands approved.

RECLAMATION OF ARID LANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 30th ultimo, a letter from the Director of the Geological Survey inclosing a statement of the operations of the United States Geological Survey relative to the investigations being made of the water resources of the United States, particularly of the arid regions, etc.; which, on motion of Mr. CARTER, was, with the accompanying papers, referred to the Committee on Irrigation and Reclamation of Arid Lands, and ordered to be printed.

ARKANSAS RIVER RESERVOIR SITES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 1st instant, a letter from the Director of the Geological Survey relative to the flow of the Arkansas River, especially at points near the Kansas-Colorado State lines, etc.; which, on motion of Mr. HARRIS, was, with the accompanying papers, referred to the Committee on Irrigation and Reclamation of Arid Lands, and ordered to be printed.

INSULAR SURVEYS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting a report by the Chief of Bureau of Equipment, Navy Department, stating what surveys of the islands recently acquired by the United States have been made by the Navy Department, with certain additional information; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

EXPRESS CHARGES ON MEDICAL AND HOSPITAL PROPERTY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Surgeon-General of the Army, together with signed memorandum, concerning the transportation of medical and hospital property by express, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

CIVIL-SERVICE EXAMINATION PAPERS.

Mr. KYLE. A short time since I introduced a resolution calling upon the Civil Service Commission for certain information. Yesterday the response came, and I believe it was inadvertently referred to the Committee on Civil Service and Retrenchment. I ask that that order be rescinded, and that the papers be referred to the Committee on Education and Labor.

The PRESIDENT pro tempore. Is there objection to rescinding the order by which the reply from the Civil Service Commission was referred to the Committee on Civil Service and Retrenchment and referring the papers to the Committee on Education and Labor? The Chair hears none, and that order is made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 2366) to authorize the establishment, at some point in North Carolina, of a station for the investigation of problems connected with marine fishery interests of the Middle and South Atlantic coast;

A bill (S. 2499) to authorize needed repairs of the graveled or macadamized road from the city of Newbern, N. C., to the national cemetery near said city; and

A bill (S. 3559) authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 1381) granting an increase of pension to J. J. Angel;

A bill (H. R. 1737) granting a pension to Cora I. Cromwell;

A bill (H. R. 4030) granting an increase of pension to Margaret L. Coleman;

A bill (H. R. 4276) granting an increase of pension to John R. Eggeman;

A bill (H. R. 4368) granting a pension to Flora B. Hinds;

A bill (H. R. 6784) granting an increase of pension to Harry H. Neff;

A bill (H. R. 7023) granting a pension to Rhoda A. Patman;

A bill (H. R. 8079) granting a pension to Bertha M. Jordan; and

A bill (H. R. 8405) granting a pension to Sophronia Seely.

The message further announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return to the Senate the bill (S. 2332) granting an increase of pension to Margaret H. Kent.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to the following bills:

A bill (S. 1905) granting an increase of pension to Lillian Capron; and

A bill (S. 1906) granting an increase of pension to Agnes K. Capron.

The message further announced that the House insists upon its amendments to the following bills, agrees to the conferences asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. BROMWELL, and Mr. STANLEY W. DAVENPORT managers at the respective conferences on the part of the House:

A bill (S. 207) granting an increase of pension to Margaret E. Van Horn;

A bill (S. 517) granting a pension to Nancy E. Neely;

A bill (S. 1489) granting an increase of pension to Robert C. Rogers; and

A bill (S. 2650) granting an increase of pension to Katharine Taylor Dodge.

The message also announced that the House had passed a bill (H. R. 2916) to grant rights of way over Government lands for a pipe line for the conveyance of water to Flagstaff, Ariz.; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 1137) granting an increase of pension to Hannah G. Strong; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. KYLE presented the petition of Charles W. Peaslee and sundry other druggists, of Redfield, S. Dak., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. TURLEY presented a petition of Lagrange Lodge, No. 81, Ancient Free and Accepted Masons, of Fayette County, Tenn., praying for the enactment of legislation for the relief of Lagrange Synodical College, of Lagrange, Tenn.; which was referred to the Committee on Claims.

Mr. BARD presented a memorial of the board of supervisors of Placer County, Cal., remonstrating against the enactment of legislation to establish the Lake Tahoe National Park; which was referred to the Committee on Public Lands.

He also presented a petition of the Presbytery of Los Angeles, Cal., and a petition of the congregation of the Christian Church of Redlands, Cal., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

He also presented a petition of Los Gatos Grange, No. 314, Patrons of Husbandry, of California, praying for the adoption of certain amendments to the interstate-commerce law; which was ordered to lie on the table.

He also presented a petition of Los Gatos Grange, No. 314, Patrons of Husbandry, of California, praying for the enactment of legislation to secure the advantages of State control of imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

Mr. PRITCHARD presented the petition of the Ex-Slave Mutual Relief, Bounty, and Pension Association, of Washington, N. C., praying that all ex-slaves be granted a pension; which was ordered to lie on the table.

Mr. ELKINS presented a petition of sundry citizens of Greenbrier County, W. Va., praying for the enactment of legislation to secure the advantages of State control of imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

Mr. PENROSE presented a petition of the State Legislative Board of Railroad Employees of Pennsylvania, praying for the enactment of legislation requiring common carriers to report to the Interstate Commerce Commission, under oath, the details of

all injuries to employees; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the State Legislative Board of Railroad Employees of Pennsylvania, praying for the enactment of legislation to prevent the issuance of injunctions upon employees restraining them from doing things that are not unlawful and giving them the right of trial by jury in cases of contempt; which was referred to the Committee on the Judiciary.

He also presented a petition of the Trade Commercial and Maritime Associations of Philadelphia, Pa., praying for the continuance of the pneumatic-tube service in connection with the post-office department of that city; which was ordered to lie on the table.

He also presented a petition of Banner Grange, No. 1115, Patrons of Husbandry, of Bradley Junction, Pa., praying for the adoption of an amendment to the Constitution providing for the election of United States Senators by a popular vote, for the adoption of certain amendments to the interstate-commerce law, for the establishment of postal savings banks, and remonstrating against the passage of the so-called ship-subsidy bill; which was referred to the Committee on Privileges and Elections.

He also presented a petition of sundry retail druggists of Lebanon, Pa., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. DAVIS presented a memorial of sundry cooper employers of St. Paul and Minneapolis, in the State of Minnesota, remonstrating against the enactment of legislation to abolish one-sixth and one-eighth beer-barrel stamps; which was referred to the Committee on Finance.

Mr. PLATT of Connecticut presented a petition of the Connecticut Pomological Society, praying for the passage of the so-called pure-food bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry druggists of Litchfield, Conn., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. HOAR presented a petition of the Woman's Christian Temperance Union of Falmouth, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, or canteen, or transport, or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

Mr. PERKINS presented a memorial of sundry citizens of Placer County, Cal., and a memorial of the board of supervisors of Placer County, Cal., remonstrating against the enactment of legislation to establish the Lake Tahoe National Park; which were referred to the Committee on Public Lands.

He also presented petitions of Napa Grange, No. 307, Patrons of Husbandry, of California, praying for the adoption of certain amendments to the interstate-commerce law, to secure protection in the use of shoddy in manufactured goods, to secure to the people of the country the advantages of State control of imitation dairy products, for the construction of the Nicaragua Canal, for the establishment of postal savings banks, and for the extension of free rural mail delivery; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Chamber of Commerce of San Diego, Cal., praying for the enactment of legislation providing for the construction of an isthmian canal; which was referred to the Committee on Inter-oceanic Canals.

Mr. FAIRBANKS presented the petition of James M. Johnson and 217 other citizens of Indiana, praying for the enactment of legislation granting to honorably discharged soldiers and sailors a per diem pension; which was referred to the Committee on Pensions.

Mr. DANIEL presented a memorial of the city council of Manchester, Va., remonstrating against the enactment of legislation to amend Title LXV of the Revised Statutes of the United States, relating to telegraph companies; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Chesterfield County, Va., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Chamber of Commerce of Richmond, Va., remonstrating against the enactment of legislation relating to the use of alum in baking powder; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry wholesale grocers of Richmond, Va., remonstrating against the enactment of legislation to confer upon the Secretary of Agriculture the power to fix the standard of food products; which was referred to the Committee on Agriculture and Forestry.

Mr. MASON presented resolutions adopted at a public meeting

of sundry pro-Boer citizens of Eau Claire, Wis., expressing sympathy for the people of South Africa in their struggle for freedom; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Cumberland Presbyterian Young People's Society of Christian Endeavor, of Mount Vernon, Ill., and a petition of the Woman's Christian Temperance Union of Potomac, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens and in the insular possessions of the United States; which were referred to the Committee on Military Affairs.

He also presented a petition of Chapter No. 1111, Epworth League, of the Richards Street Methodist Church, of Joliet, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army and Navy canteens, Soldiers' Homes, etc.; which was referred to the Committee on Military Affairs.

He also presented a petition of the National Confectioners' Association of the United States, praying for the enactment of legislation to secure protection in the use of adulterated food products; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Union Veterans' Union of Peoria, Ill., praying for the enactment of legislation providing for the advancement of Brig. Gen. Lloyd Wheaton to the full rank of brigadier-general in the Regular Army; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Peoria, Ill., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented petitions of the Patte Plow Company, of Monmouth; the Plano Manufacturing Company, of Chicago; the Temple Pump Company, of Chicago; the King and Hamilton Company, of Ottawa; the Acme Harvester Company, of Pekin; the David Bradley Manufacturing Company, of Bradley, and of the Sterling Manufacturing Company, of Sterling, all in the State of Illinois, praying for the enactment of legislation providing for the construction of a new fireproof Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

Mr. FRYE presented the petition of E. H. McAllister & Sons, of Calais, Me., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of Stanton, Minn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Alaska, Hawaii, Porto Rico, the Philippines, and Cuba; which was ordered to lie on the table.

He also presented the petition of James Seldon Cowdon, of Washington, D. C., praying that a committee be appointed to investigate the work of the Mississippi River Commission; which was referred to the Committee on Commerce.

GATHMANN TORPEDO SHELL AND GUN.

Mr. HALE. I present a communication from the Secretary of the Navy, transmitting a letter from the Chief of the Bureau of Ordnance relative to the purchase of the Gathmann Torpedo Gun Company's gun equipment for one or more of the harbor-defense monitors authorized by the act of May 4, 1898. I move that the communication and accompanying paper be printed as a document and referred to the Committee on Naval Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PLATT of New York, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 3206) to correct the naval record of Thomas Dunn, reported it without amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1052) granting an increase of pension to Rachel Frisbie;

A bill (S. 3440) granting a pension to George W. Harrison; and
A bill (S. 3729) granting an increase of pension to Prudence Tinney.

He also, from the same committee, to whom was referred the bill (H. R. 7975) granting an increase of pension to William F. Riley, reported it without amendment, and submitted a report thereon.

Mr. BARD, from the Committee on Public Lands, to whom was referred the bill (H. R. 2757) to authorize the purchase of certain lands in the District of Alaska, reported it with an amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 4494) to authorize the Mobile and West

Alabama Railroad Company to construct and maintain a bridge across the Warrior River between the counties of Walker and Jefferson, in section 35, township 17, range 7 west, Alabama, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 4495) to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Alabama River between Marengo and Choctaw counties, below Demopolis, Ala., reported it with amendments.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 3223) granting an increase of pension to W. R. McMaster, reported it with amendments, and submitted a report thereon.

Mr. KENNEY, from the Committee on Pensions, to whom were referred the following bills, reported them with amendments, and submitted reports thereon:

A bill (S. 2305) granting a pension to Eliza D. Pennypacker; and
A bill (S. 3624) granting a pension to Henry K. Davis.

Mr. KENNEY, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (H. R. 8801) granting an increase of pension to William H. H. Macdonald;

A bill (H. R. 4440) granting an increase of pension to Harriet L. Hughes; and

A bill (H. R. 2621) granting a pension to Ida Wiederhold.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1936) granting a pension to Mamie Craig Lawton;

A bill (S. 3056) granting an increase of pension to Giles W. Taylor; and

A bill (H. R. 9163) granting a pension to Ferguson M. Burton.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 548) granting a pension to Edward Harris; and

A bill (H. R. 8799) granting an increase of pension to William Feek.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 4261) granting a pension to Frances M. Cellar, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4557) granting an increase of pension to Lucy E. Danielson, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Territories, to whom was referred the bill (H. R. 4468) to authorize the city of Tucson, Ariz., to issue bonds for waterworks, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2834) granting a pension to Anne M. Cluke; and

A bill (S. 4105) granting an increase of pension to John Coombs.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (S. 4241) granting an increase of pension to William T. Gratton, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9751) granting an increase of pension to David H. Drake, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 2322) for the relief of Joshua Bishop, reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 4306) for the relief of settlers and other claimants under the public-land laws to lands within the indemnity limits of the grant to the Northern Pacific Railroad Company, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2414) for the relief of settlers upon the lands within the grant of the Northern Pacific Railroad Company, reported adversely thereon, and the bill was postponed indefinitely.

Mr. KYLE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4552) granting an increase of pension to Joseph Smith;

A bill (H. R. 3490) granting an increase of pension to Freeman H. Farr;

A bill (H. R. 527) granting a pension to Lucy D. Young; and

A bill (H. R. 4760) granting an increase of pension Samuel G. Trine.

Mr. KYLE, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 952) granting a pension to Francis M. Porter; and

A bill (S. 3512) granting an increase of pension to Samuel Schultz.

Mr. KYLE, from the Committee on Pensions, to whom was referred the bill (S. 1240) granting a pension to Samuel Nichols, reported it with an amendment, and submitted a report thereon.

Mr. KYLE. I am directed by the Committee on Pensions to submit adverse reports on the bills which I send to the Chair. I will state in this connection that they are mostly bills proposing to grant pensions in violation of the rules of the Senate committee.

The bills were postponed indefinitely, as follows:

A bill (S. 1820) granting a pension to F. M. Wallis;

A bill (S. 2003) granting a pension to Andrew J. West;

A bill (S. 1908) granting a pension to James M. Miller;

A bill (S. 3331) granting a pension to James Anderson;

A bill (S. 2474) granting an increase of pension to Henry R. Fields; and

A bill (S. 2253) granting an increase of pension to William Dunn.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (S. 3954) granting an increase of pension to Caroline D. Repetti, reported it with amendments, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2286) granting an increase of pension to John W. Craig;

A bill (S. 4212) granting a pension to James M. Muck, and

A bill (S. 3574) granting a pension to Julia Van Wicklen.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 2755) granting a pension to Isaac N. Cissna, reported it with an amendment to the title, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1775) granting an increase of pension to Andrew J. Arnett;

A bill (S. 2886) granting an increase of pension to Thomas T. Phillips; and

A bill (S. 2819) granting an increase of pension to Henry Van Gelder.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (H. R. 8389) granting an increase of pension to Martin D. Miller, reported it without amendment, and submitted a report thereon.

Mr. CARTER, from the Committee on Territories, reported an amendment proposing to appropriate \$15,000 to enable the Attorney-General to purchase ground and repair suitable buildings at Juneau, Alaska, for the accommodation of the Government offices at that place, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. QUARLES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3778) granting an increase of pension to Ellsey A. Sloane;

A bill (H. R. 4422) granting an increase of pension to William H. Brookins; and

A bill (H. R. 8107) granting a pension to Nancy W. Hadley.

THE LOUISIANA PURCHASE.

Mr. PLATT of New York. I ask the Chair to lay before the Senate the amendments of the House of Representatives to concurrent resolution No. 36.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives; which were, in line 2, to strike out "four" and insert "nine;" in line 3, to strike out "five hundred;" in line 6, to strike out "one thousand five hundred" and insert "three thousand;" and in line 7, to strike out "three" and insert "six;" so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed 9,000 copies of the work entitled The Louisiana Purchase, by the honorable Commissioner of the General Land Office of the United States; 3,000 copies for the use of the Senate and 6,000 copies for the use of the House of Representatives.

Mr. PLATT of New York. On behalf of the Committee on Printing I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

REPORT ON HAND AND MACHINE LABOR.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred concurrent resolution No. 52, submitted by the Senator from South Dakota [Mr. KYLE] on the 3d instant, to report it favorably with amendments. I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution; which was read, as follows:

Concurrent resolution providing for the printing of extra copies of the report of the Commissioner of Labor on hand and machine labor.

Resolved by the Senate (the House of Representatives concurring). That there be printed and bound in cloth 5,000 extra copies of the report of the Commissioner of Labor on hand and machine labor, known as his "Thirteenth Annual Report," for the use of the Department of Labor.

The amendments of the Committee on Printing were, in line 2 to strike out "five" and insert "eight;" and in line 5 to strike out all after the word "Report" and insert "of which 5,000 copies shall be for the use of the Department of Labor, 1,000 copies for the use of the Senate, and 2,000 copies for the use of the House of Representatives;" so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring). That there be printed and bound in cloth 5,000 extra copies of the report of the Commissioner of Labor on hand and machine labor, known as his "Thirteenth Annual Report," of which 5,000 shall be for the use of the Department of Labor, 1,000 copies for the use of the Senate, and 2,000 copies for the use of the House of Representatives.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

STATUE OF OLIVER P. MORTON.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. FAIRBANKS on the 2d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring). That there be printed and bound of the proceedings in Congress upon the acceptance of the statue of the late Oliver P. Morton, presented by the State of Indiana, 16,500 copies, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, and the remaining 1,500 shall be for use and distribution by the governor of Indiana; and the Secretary of the Treasury is hereby directed to have printed an engraving of said statue to accompany said proceedings, said engraving to be paid for out of the appropriation for the Bureau of Engraving and Printing.

COLONIES, DEPENDENCIES, ETC.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the resolution submitted by Mr. LODGE on the 3d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved. That there be printed for the use of the Senate 500 copies of a list of books and pamphlets in the Library of Congress upon the history and theory of colonization, government of dependencies, protectorates, and related topics.

REIMBURSEMENT FOR INTERNAL-REVENUE STAMPS.

Mr. ALLISON. I am directed by the Committee on Finance, to whom was referred the bill (S. 2657) for the relief of Frederick von Baumbach, collector of internal revenue at St. Paul, Minn., to report it with an amendment, and I submit a report thereon. It is a short bill, and I should be glad to have it considered at this time.

The bill was read, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Finance was to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the following named collectors of internal revenue the following sums, deposited by them, respectively, in the Treasury of the United States in payment for adhesive revenue stamps, issued to them by the Commissioner of Internal Revenue, and not received, sold, or accounted for by them, namely:

To David W. Henry, collector of internal revenue at Terre Haute, Ind., for stamps issued to him in July, 1898, \$296.73.

To John M. Kemble, collector of internal revenue at Burlington, Iowa, for stamps issued to him on June 30, 1898, \$2,000.

To James D. Gill, collector of internal revenue at Boston, Mass., for stamps issued to him on July 10, 1898, \$1,053.

To Frederick von Baumbach, collector of internal revenue at St. Paul, Minn., for stamps issued to him on July 13, 1898, \$250.

To Charles H. Treat, collector of internal revenue for the Second district of New York, at New York City, for stamps issued to him in July, 1898, \$1,236.50.

To Ferdinand Eidman, collector of internal revenue for the Third district of New York, at New York City, for stamps issued to him in June and July, 1898, \$188.84.

To James C. Entrekin, collector of internal revenue at Chillicothe, Ohio, for stamps issued to him on June 27, 1898, \$1,408.

To Frank McCord, collector of internal revenue at Cleveland, Ohio, for stamps issued to him in June and July, 1898, \$950.

To James S. Fruit, collector of internal revenue at Pittsburg, Pa., for stamps issued to him in June and July, 1898, \$970.71.

To J. H. Bingham, collector of internal revenue at Birmingham, Ala., for stamps issued to him on June 29, 1898, \$100.

And there is hereby appropriated for said purpose, out of any moneys in the Treasury not otherwise appropriated, the sum of \$8,573.83.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to reimburse sundry collectors of internal revenue for internal-revenue stamps paid for and charged in their accounts and not received by them."

COMMITTEE ON PUBLIC HEALTH AND NATIONAL QUARANTINE.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. VEST on the 7th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved. That the Committee on Public Health and National Quarantine have permission to sit during sessions of the Senate, to send for persons and papers, and to employ a stenographer, the expense to be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 4587) granting an increase of pension to Cora Van D. Chenoweth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4588) granting a pension to Mary F. Zollinger;

A bill (S. 4589) granting a pension to Gethro G. Wood; and

A bill (S. 4590) granting a pension to Randolph F. Williamson.

Mr. PLATT of Connecticut introduced a bill (S. 4591) permitting the building of a dam across the St. Joseph River near the village of Berrien Springs, Berrien County, Mich., above where said river is now navigable; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PRITCHARD introduced a bill (S. 4592) to regulate the collection of taxes in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4593) relating to the disposal of dead bodies in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 4594) for the relief of Daniel Reid, W. R. S. Burbank, and the heirs of J. H. and E. H. Taft; which was read twice by its title, and referred to the Committee on Claims.

Mr. ELKINS introduced a bill (S. 4595) providing for leaves of absence to certain employees of the Government; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4596) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof; which was read twice by its title, and referred to the Committee on Interstate Commerce.

He also introduced a bill (S. 4597) for the relief of the estate of Ammon McLaughlin, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 4598) granting an increase of pension to John C. Felton; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 4599) to authorize the acquisition of certain real estate for the construction of a hall of records; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. BAKER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4600) granting an increase of pension to James A. Snider;

A bill (S. 4601) granting an increase of pension to Andrew H. Johnson (with accompanying papers);

A bill (S. 4602) granting an increase of pension to A. E. McQuiddy (with the accompanying paper); and

A bill (S. 4603) granting a pension to William Blundell, alias David Robinson (with the accompanying papers).

Mr. BAKER introduced a bill (S. 4604) to authorize the Chickasaw freedmen in the Chickasaw Nation to bring suit in the Court of Claims against the Chickasaw and Choctaw nations and the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. LODGE introduced a bill (S. 4605) for the relief of the legal representatives of Paul Curtis, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. TILLMAN introduced a bill (S. 4606) to provide for the investigation of the historical archives and public records of the several States and Territories, and of the United States, with a view to their preservation by publication; which was read twice by its title, and referred to the Committee on Printing.

He also introduced a bill (S. 4607) to provide for the settlement

of accounts between the United States and the State of South Carolina; which was read twice by its title, and referred to the Committee on Claims.

Mr. BERRY introduced a bill (S. 4608) for the relief of William H. Roach; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 4609) for the relief of Christopher McDonald, executor of the estate of Michael Callaghan, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 4610) for the relief of Lewis King; which was read twice by its title, and referred to the Committee on Claims.

Mr. MALLORY introduced a bill (S. 4611) for the relief of Sarah E. Callahan; which was read twice by its title, and referred to the Committee on Claims.

Mr. BATE introduced a bill (S. 4612) for the relief of parties for property taken from them by military forces of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HANNA introduced a bill (S. 4613) making the salary of the collector of customs for the Sandusky (Ohio) district \$2,500 in lieu of all fees, commissions, and other emoluments heretofore allowed; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 4614) to make Lieut. Commander Arthur P. Osborn a commander on the retired list; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. FRYE introduced a bill (S. 4615) to facilitate the entry of steamships engaged in the coasting trade between Porto Rico and the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DANIEL introduced a bill (S. 4616) for the relief of G. T. Cralle; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. MASON introduced a bill (S. 4617) granting a pension to Sarah J. Rhodes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 4618) relating to the exclusive jurisdiction of courts of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. ELKINS submitted an amendment proposing to increase the appropriation for improving the Big Sandy River, West Virginia and Kentucky, from \$280,000 to \$320,000, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. THURSTON submitted an amendment proposing to appropriate \$300,000, to be expended under the direction of the Secretary of War in the systematic improvement of the Missouri River according to the plans and specifications of the Missouri River Commission, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. FOSTER submitted an amendment proposing to appropriate \$12,500 to establish a light-house and fog signal at Slip Point, Clallam Bay, Washington, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAWLEY submitted an amendment proposing to appropriate \$75,000 to enable the Secretary of War to purchase additional land for the Gettysburg National Park, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. VEST submitted an amendment proposing to appropriate \$35,000 to pay the claim of W. R. Austin & Co. for materials furnished to the Interior Department for use in the Eleventh Census, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. MONEY (for Mr. WARREN) submitted an amendment proposing to appropriate \$332,500 for the purchase of the property known as the Corcoran Art Gallery, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. BARD submitted an amendment extending the provisions of an act of Congress approved June 4, 1897, so as to cover the Yosemite, Sequoia, and General Grant national parks, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate

\$52,000 for two additional barracks at the Pacific Branch at Santa Monica, Cal., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. KEAN submitted an amendment directing the Secretary of the Treasury to pay \$5,000 to Emile M. Blum for services as commissioner-general to the International Exposition at Barcelona, Spain, and \$2,500 to James M. Seymour, jr., for services as assistant commissioner, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MARTIN submitted an amendment proposing to appropriate \$10,000 for triangulating and permanently establishing the boundary line of the States of Virginia and Tennessee, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SHOUP submitted an amendment directing the Secretary of the Interior not to dispose of the establishment of a Branch of the National Home for Disabled Volunteer Soldiers on the Fort Sherman Military Reservation, in Idaho, prior to the adjournment of the Fifty-sixth Congress, March 3, 1901, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also submitted an amendment directing the Secretary of War to transfer to the Board of Managers of the National Home for Disabled Volunteer Soldiers the Fort Sherman Military Reservation, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. DANIEL submitted an amendment, instructing the Secretary of the Treasury to examine and settle the account between the United States and the State of Virginia growing out of the money expended by that State for military purposes in the war of 1812 to 1815 with Great Britain, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$200,000 to enable the Secretary of War to commence the construction of a memorial bridge from the most convenient point of the Naval Observatory grounds across the Potomac River to the most convenient point of the Arlington estate property, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. SEWELL submitted an amendment proposing to appropriate \$175,000 for the construction of new buildings for storage purposes at the Schuylkill Arsenal, Philadelphia, Pa., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

READJUSTED SALARIES OF POSTMASTERS IN WEST VIRGINIA.

Mr. ELKINS submitted the following resolution; which was referred to the Committee on Post-Offices and Post-Roads.

Resolved, That the Postmaster-General be, and he hereby is, directed to report upon a schedule to the Senate the readjusted salaries of all postmasters who served in the State of West Virginia between July 1, 1864, and July 1, 1874, whose names as claimants appear in the Court of Claims in the case entitled *J. G. Cox and others vs. The United States*, No. 18144, each such stated account to conform in all respects to the order of the Postmaster-General published by circular under date of June 9, 1883, and to the requirement of the act of March 3, 1883, as said requirement was published by the Postmaster-General in the newspapers of the country under date of February 17, 1884, and with such report transmit to the Senate a full copy of the text of the construction by the Postmaster-General of the act of March 3, 1883, embodied in the said circular and publication in the newspapers, and in circular form No. 1223, the text of each of which, under date of November 8, 1897, was transmitted by the Postmaster-General to the Attorney-General for use in the case of *Jane Yarrington and others vs. The United States*, No. 16345.

COLORADO RIVER IMPROVEMENT IN NEVADA.

Mr. STEWART submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be directed to cause a survey to be made and an estimate submitted of the cost of dredging and otherwise improving the Colorado River between El Dorado Canyon and Riverville, Nev., with a view to the extension of navigation on said river to Riverville.

SANTEE SIOUX INDIANS OF NEBRASKA.

Mr. THURSTON. I submit a resolution for which I ask present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to inform the Senate what amount would be due the Santee Sioux Indians of Nebraska under the fifth article of the treaty of 1876, known as the "Black Hills treaty;" how much of the million dollars therein provided to be appropriated annually would be the just share belonging to the Santee Sioux of Nebraska if rations had been granted them; how much of said amount has been expended each year since the approval of said treaty for the above-named tribe, and what are the grounds for the discontinuance of said provision to the said tribe, and if any of the above-named amounts have been expended for their sole use and benefit.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. GALLINGER. I suggest that the word "directed" should be substituted for the word "requested." It is the usual form.

The PRESIDENT pro tempore. That modification, without objection, will be made.

The resolution as modified was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 2916) to grant rights of way over Government lands for a pipe line for the conveyance of water to Flagstaff, Ariz., was read twice by its title, and referred to the Committee on Public Lands.

SOUTH AFRICAN REPUBLICS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution, coming over by unanimous consent; which will be read.

The Secretary read the resolution submitted by Mr. TELLER on the 2d instant, as follows:

Whereas from the hour of achieving our independence as a people the people of the United States have regarded with sympathy the struggles of other people to free themselves from European domination: Therefore,

Resolved, That we watch with deep and abiding interest the war between Great Britain and the South African Republics, and, with full determination to maintain a proper neutrality between the contending forces, we can not withhold our sympathy from the struggling people of the Republics, and it is our earnest desire that the Government of the United States, by its friendly offices offered to both powers, may assist in bringing the war to a speedy conclusion in a manner honorable to both Great Britain and the African Republics.

Mr. HALE. I ask that that resolution may remain on the table, subject to the call of the Senator from Colorado [Mr. TELLER], as I am desirous of going on with the naval appropriation bill.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the resolution lie on the table, subject to the call of the senior Senator from Colorado [Mr. TELLER]. Is there objection? The Chair hears none, and it is so ordered.

RESOLUTIONS FOR SEATING OR UNSEATING A SENATOR.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. CHANDLER on the 7th instant, as follows:

Resolved, That a resolution for seating or unseating a Senator when once before the Senate is always in order as a question of privilege under Rule VI, except as provided in said rule, and has preference over all other business; but is subject to the motions provided for in Rule XXII.

Mr. CHANDLER. I ask unanimous consent that that resolution may go over until Friday morning, without losing such preference as it has, and then I shall desire to submit some remarks thereon.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that the resolution lie on the table until Friday next without prejudice. Is there objection? The Chair hears none, and it is so ordered.

NAVAL APPROPRIATION BILL.

Mr. HALE. I now ask that the naval appropriation bill may be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10450) making appropriations for the naval service for the fiscal year ending June 30, 1901, and for other purposes.

Mr. HALE. I ask, with the leave of the Senate, to go back to the amendment on page 54 of the bill, which on yesterday the Senator from Louisiana [Mr. CAFFERY] desired might be passed over.

The PRESIDENT pro tempore. The first amendment passed over is on page 10.

Mr. HALE. I do not propose to take that up now.

The PRESIDENT pro tempore. The amendment referred to by the Senator from Maine [Mr. HALE] on page 54 will be stated.

The SECRETARY. The Committee on Naval Affairs reported an amendment on page 54, after line 9, to strike out the following:

The students at the Naval Academy shall hereafter have the title of midshipman, and on successfully completing the course at that institution each shall be commissioned in the lowest grade of the line or Marine Corps, the two years' course at sea being hereby abolished.

The naval cadets who have completed the four years' course at the Naval Academy and are performing duty at sea shall be commissioned in the lowest grade of the line or Marine Corps, and the members of each class shall take rank among themselves according to their graduating multiples as was determined at the end of the four years' course at the Naval Academy.

And in lieu thereof to insert:

Whenever any naval cadet shall have finished four years of his undergraduate course of six years an additional appointment may be made from his Congressional district or at large in accordance with existing law.

Mr. HALE. In line 23 the committee amendment should be further perfected by striking out the words "an additional" and substituting therefor the words "the succeeding."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee on page 54, line 23, after the word "years," by striking out "an additional" and inserting "the succeeding."

The amendment to the amendment was agreed to.

Mr. FORAKER. Mr. President, I object to the amendment, and I want to be heard upon it; but I first desire to see if I understand the amendment correctly.

The PRESIDENT pro tempore. The amendment the Senator from Maine has just offered, or the entire committee amendment?

Mr. FORAKER. I object to the committee amendment being adopted. I have no objection to the Senator from Maine perfecting the amendment.

Mr. HALE. That is all the amendment I have offered does. It is simply changing the phraseology.

Mr. FORAKER. I should like to hear the amendment read as it has been amended.

The SECRETARY. As amended the committee amendment reads:

Whenever any naval cadet shall have finished four years of his undergraduate course of six years the succeeding appointment may be made from his Congressional district or at large in accordance with existing law.

The PRESIDENT pro tempore. The question now is on the amendment reported by the committee, striking out from line 10 to line 21, inclusive, on page 54, and inserting what has just been read. Is the Senate ready for the question?

Mr. FORAKER. Mr. President, I want to be heard briefly in opposition to the amendment recommended by the committee. I am of the opinion that when a cadet at Annapolis has taken a four years' course, he ought to be given a commission and given rank in the Navy, just as a cadet at West Point is commissioned on the completion of his course. I understand that was the rule until some years ago, when the present rule was adopted by legislative enactment, providing that, instead of commissioning these cadets at the close of the four years' course, they should be required to go upon a cruise of two years at sea and then return to the Naval Academy for final examination before they could be commissioned.

In pursuance of that, under the law that has since been in force, we now have in the service members of the classes of 1898 and 1899 who have not yet been commissioned, but who will have to return at the approaching commencement and at the commencement next year for their final examination and to receive their commissions. During this two years' period they have no rank as officers, and yet they are in charge of men, doing the duty of officers and assuming the responsibility of officers. But there is another objection to the amendment.

Mr. TILLMAN. Mr. President—

Mr. FORAKER. If the Senator will allow me a moment, the other objection I want to present is this: Of these cadets of the classes of 1898 and 1899 who have been in the service, a number have been killed and wounded and have suffered from disease, so that they are unfitted to stand the final examination, as I am informed, and receive their commissions, although some of them may be still living and able to return to the Academy. They will be rejected on account of the physical disabilities which have been brought upon them by their services.

There is no law that recognizes the right of a cadet engaged in such service, although he may lose his life in it—as some of them have lost their lives—although he may have been wounded, and although he may be disabled and incapacitated for life by disease, to be pensioned or otherwise cared for by the Government unless there be special legislation. It has seemed to me also that there was an element of injustice about this—not intended, of course—that now under existing conditions might well be provided against.

At the time when the change was made in the law in this respect, as I understand it, there were not as many places as there were officers being graduated to fill. The law made a provision that took care of that difficulty; but now there is a greater demand than there are officers, even although these cadets were regularly commissioned at the conclusion of their four years' course.

Mr. TILLMAN. I was just going to call the Senator's attention to the fact that the amendment which he is discussing does not deal with that subject at all. The provision above that, which has been stricken out absolutely, deals with that subject, and the amendment to which the Senator is addressing himself provides for additional cadets or an increase of the corps.

Mr. FORAKER. The Senator is under a misapprehension or I am—one or the other. I understood that the chairman of the committee asked leave to perfect the committee amendment—that which is to be inserted—and, that having been done, he then offered the amendment of the committee to strike out; and I was speaking in opposition to the recommendation of the committee that lines 10 to 21, inclusive, on page 54, should be stricken out, as I understood it. I am therefore speaking exactly to what the Senator from South Carolina points out as the provision that ought to be retained in the bill if the view I am now advocating should prevail.

Mr. TILLMAN. The striking out of the provision from line

10 to line 21, inclusive, on page 54, is absolutely on its own merits. We have been confronted by the fact that they are not able to graduate enough cadets at Annapolis to fill the demand for officers of the Navy; and this provision at the bottom of page 54, inserting the clause from line 22 to line 25, inclusive, is a scheme, which I confess I do not like, for increasing the number of cadets; and the provision from line 15 to line 21, which is stricken out, is the one which the Senator is discussing.

Mr. FORAKER. That has not been stricken out, but the motion of the chairman of the committee having the bill in charge is to strike it out.

Mr. TILLMAN. I did not hear him say anything about striking out; but of course it all deals with the Naval Academy, and we might as well discuss it at one place as another.

Mr. FORAKER. I presume the amendment is to strike out and insert after the amendment has been perfected by putting in the words the chairman wants inserted.

Mr. TILLMAN. Striking out the words "an additional," in line 23, on page 54, and inserting the words "the succeeding," which is merely a change of the phraseology of the amendment which provides for the increase of the corps. There is no amendment proposed to the preceding paragraph.

Mr. FORAKER. It simply does away with the House provision of four years' instead of the six years' course.

Mr. TILLMAN. It is immaterial so far as this discussion is concerned, for the Senator's remarks are germane to the whole subject.

Mr. FORAKER. I have said all I wanted to say; but I want to enter my protest against the provision being stricken out as it came to us from the House of Representatives. I may have no objection to the other amendment being inserted. I have not considered it in the light in which the Senator from South Carolina has now presented it.

Mr. TILLMAN. I suppose we had better discuss the provision proposed to be stricken out and deal with that, and then take up the question of increasing the corps of cadets on its own merits.

Mr. FORAKER. I have no objection to doing that.

Mr. LINDSAY. I ask the Senator from Ohio whether we have a surplus of officers at present in the Navy, or whether there are officers unfilled?

Mr. FORAKER. My information is—but I defer, of course, to the Senator having this bill in charge, who has much better information than I—my information is that there is a deficiency in officers, and not a surplus.

Mr. HALE. That is a question which has been already brought out in debate; but it is an undoubted fact that too many naval officers are now on shore duty. The Senator from New Hampshire [Mr. CHANDLER] has called attention to that feature of the naval service, and he is thoroughly convinced that the wants of the Navy to officer ships would all be met if officers now doing duty on shore were sent to sea; that the service would not suffer on shore by their being sent to sea.

Whether or not the Senator from New Hampshire is correct in that to the full extent of his belief, I have no doubt that with the proper disposition of the officers on shore and with the relief that is afforded by the committee amendment in lines 22, 23, 24, and 25, all the needs of the service in the future will be fully met, and will be met, as they ought to be met, gradually, and not by dumping down, as the House provision proposes to do, two or three classes all at once into the Navy, thus bringing about what was the old trouble when we passed the personnel bill of another, what was called, hump.

The method which is taken by the committee here seems to me a wise method. We fought this question all over last year on the personnel bill, and the Senate, by a very decisive vote, decided that the course at the Naval Academy should not be cut down to four years. Now the committee has acted on that in striking out the House provision cutting down the course, and has provided a remedy for any lack there may be in numbers in the amendment covered by the four lines to which I have referred.

Mr. FORAKER. What the Senator from Maine says does not fully meet the objection I have to this provision. I do not think there is any necessity for requiring a young man, after he has completed his four years' course at Annapolis, to go then two years longer before he can have his final examination and receive his commission. The evidence is that the classes of 1898 and 1899 have been at sea and in active service at the front, and that service has been of the most creditable character.

They have displayed their devotion to their country and their competency to serve it at the expense of their lives so far as some of them are concerned, and a number of them have been wounded. It seems to me they have shown that they are capable of going at once to sea and taking the rank and responsibilities of officers, and discharging those responsibilities with credit to the country, to the Academy, and to the Navy.

Mr. HALE. We went all over that last year.

Mr. FORAKER. I know that we went all over it last year.

Mr. HALE. Mr. President—

Mr. FORAKER. I have not yet yielded the floor.

Mr. HALE. Let me finish my sentence.

Since then we have provided that all of these young fellows, at the tender age they are, shall not only pass in all the previous studies of the line, but we have added the studies of the Engineer Corps, which are immense and which are very difficult; and now, after having done that, to cut the course down from six years to four years is a patent absurdity.

Mr. FORAKER. It does not seem to me that it is a correct statement to say that this is a proposition to cut down the course. It is not cutting down the course. The duties that these men perform after they leave the Academy during these two years are precisely the same duties they would have to perform if they had passed their final examination, received their commission, and had taken their rank and responsibility in the regular way in due course of procedure.

As to the fact that we considered and debated this question last year, it is true that this question was before the Senate, and I, like a number of other Senators, followed the suggestion of the Senators having this matter in charge, and did not give to it the attention and investigation which some of us at least have bestowed upon it since, and I am surprised at myself that I did not comprehend more clearly, as it seems to me I now do, all that was involved in this proposition when we considered it last year. I should have voted against it had I then understood it as I now do; but I then voted with the committee, being content to follow what they recommended.

One other word. The Senator says that by a proper distribution of the naval officers with reference to shore duties the deficiency of ships at sea might be supplied. I take it that there is no officer in the Navy on shore duty who is not there lawfully, according to the provision of law, to perform some duty. I take it that he is there because there is need for him. But, however that may be, we ought not to attempt to remedy that difficulty, if there is such a one, at the expense of these young men. I think when a man comes out of that four years' course he ought to have his commission then just the same as the cadets at West Point.

I know it has been said that an officer in the Navy should not be allowed to take upon himself the responsibilities that a cadet takes upon himself at West Point when he takes a second lieutenant's commission; that the command is different and the responsibilities less. But, Mr. President, the officers who are sent out from the Naval Academy are on shipboard, and I do not see how they have any different responsibilities, except only if there be any difference it is compensated by the fact that they have senior and other officers on the same ship with them; but there is no difficulty that can not be adequately met.

Mr. LODGE. The Senator from Ohio has laid a great deal of stress upon the objection of sending these young men two years to sea and then bringing them back and examining them for a commission. Why, Mr. President, before the foundation of the Naval Academy every boy who went into the Navy as a midshipman passed many years at sea, and was brought back and examined for his commission after he had served many years on shipboard, and had had all the risks of disability or disease or wounds or anything else. Under that old system we produced men like Decatur and Bainbridge; men like Farragut and Foote and Dupont, and the men of the civil war. That system certainly turned out a very fine class of officers. The midshipman went to sea. He had an instructor on board ship to give him his book instruction, and then he was brought back to take his examination.

This project of abolishing the two years' sea course is all in keeping with what I regard as a very unfortunate tendency in the naval service, and that is not to make it of primary importance that the officers of the Navy shall be primarily and before everything else seafaring men; that they shall have had two years' experience at sea before they receive their commissions; and that it shall not be enough for them to go from the Academy with no experience of the sea, except the summer cruises, before they are made commissioned officers in the Navy.

The proposition of the House of Representatives to abolish the two years at sea, it appears to me, is a very injurious thing to the education of naval officers. I think those two years of practical experience are worth quite as much as the four years that precede. I think the Senate committee has shown great wisdom in adhering to the project of the personnel bill, which was agreed upon after great discussion.

Moreover, Mr. President, we have these deficiencies in the Navy now already pointed out. We need more officers. If we adopt the House proposition, it results in dumping into the service en masse two classes, and creating, as the chairman of the committee has already pointed out, what in the course of a few years will be a hump, as the old obstacle was called which blocked all promotion, which made great trouble with the Navy for many years and led to the passage of the personnel bill.

I think the abolition of the two years at sea would be a very

great injury to the cause of naval education, and I think it would also be very unfortunate to fill up the vacancies in the Navy in this wholesale manner; whereas under the amendment we would be filling them gradually, adding a third each year, and providing for a continuous increase that will go on from year to year and tend to give a steady and a permanent enlargement to the officers of the Navy, which, in my opinion, is very much needed.

Mr. CAFFERY. Mr. President—

Mr. FORAKER. Just a word or two, if the Senator from Louisiana will allow me.

Mr. CAFFERY. Certainly.

Mr. FORAKER. Nobody proposes that these young men should be without experience at sea. We want them to have two years' experience, and many more years of experience. The only question is whether they shall serve at sea with or without commissions. Take the class of 1899. It will illustrate. The class of 1899 is already at the front, and Naval Cadet Wood, a member of that class, served in the Philippines, and was there fighting his ship, and fighting it gallantly, at the sacrifice of his life; and yet he was denied a commission, although in charge of men in battle, and he must go back, if he had lived, to the Academy after two years, and could not, if he had lived, have had his commission and rank until he had returned to the Naval Academy for final examination.

It seems to me, Mr. President, it is not necessary, if we are going to send these men to the front, to give them command of men and give them the responsibility which devolves upon a naval officer, to deny to them the rank that ought to go hand in hand with the responsibility imposed upon them.

Mr. LODGE. That is precisely what we always used to do. The midshipmen used to go to sea without any commissions. They fought in the war of 1812 without commissions; they commanded men and led boat attacks without commissions; and when they came home they were examined and got their commissions.

This proposition that they must have commissions before they can perform duty in the Navy is a complete reversal of all the traditions of the Navy, not only of our own Navy, but of the English navy and all the other navies of the world. The old practice was to keep them at sea until they had the necessary experience.

Mr. FORAKER. They took a cruise every summer at sea during the four years' course, under the law before the time it was amended, as I stated a while ago, and now take such a cruise every summer while in the Academy.

Mr. LODGE. The six years' course has existed for a good many years.

Mr. FORAKER. It has been in force for only a very few years.

Mr. CAFFERY. Mr. President, it occurs to me that the Senate committee amendment to the House bill is as unjust to the cadets as it is injurious to the service.

The Senator from Massachusetts [Mr. LODGE] talks about the term of the midshipmen who had to serve prior to the adoption of the law requiring two years' sea service for a cadet. I am not aware of any law that required more than four years' service at the Naval Academy.

Mr. LODGE. The Senator misunderstood me. I said prior to the days of the Naval Academy. I did not say "prior to the adoption of this law."

Mr. CAFFERY. Prior to the establishment of the Naval Academy. The Naval Academy was established in 1845, and from 1845 down to 1872 all that was required was four years' service. Under that regimen of four years' service the best admirals that the United States ever possessed have grown up. Admiral Dewey did not have two years' service at sea before he was graduated.

Mr. HALE. If the Senator will allow me, the change was made because it was recommended upon the ground that for the needs of the service the cadets should have two more years before getting commissions, and should have actual sea service. That is the reason the change was made.

I think the attempt that is now made to restore the four years' course is simply taking backwater upon a measure that was adopted after the completest consideration, for the good of all the classes and the good of the Navy. It is now assiduously lobbied by every cadet who is at the Academy for four years who can get anybody under the sun to come here and say that he shall get his commission before he has served his six years, which every one of these officers for twenty years has done. It is a pure example of importunity.

Mr. CAFFERY. It is an importunity, then, that is well justified. I believe that the cadets are entitled to their commissions after four years' service and graduation.

Mr. President, I do not know that the Senator from Maine is entirely correct when he states that the change was made after due consideration on account of the too short time the cadets have to serve. I understand the change was made because there were

more officers turned out than there were ships for them to command. That change was made in 1872.

Mr. HALE. That was an additional reason, undoubtedly.

Mr. CAFFERY. There are 697 officers short now, and the amendment of the committee does not begin to fill up this vacuum. The charge that was made by the Senator from New Hampshire yesterday—

Mr. HALE. What does the Senator mean by saying there are 697 officers short?

Mr. CAFFERY. I mean to say precisely what is stated in the report, that to fill up the ships—

Mr. TILLMAN. What report?

Mr. CAFFERY. Do not ask me too many questions at once. I do not hear very well anyhow. To fill up the ships that are already in commission and the ships that can be commissioned in three months will require an addition of 697 naval officers. I have that here before me in a letter of the Secretary of the Navy to the chairman of the Naval Affairs Committee, Mr. HALE.

The full number of officers required for the ships already in commission and that can be commissioned in three months is 1,484, and there are some 904 officers now in service. There are 1,484 required under this letter of the Secretary of the Navy dated February 12, 1900.

Mr. CHANDLER. Does the Senator speak of line officers or all the officers?

Mr. CAFFERY. All officers.

Mr. CHANDLER. The Senator is mistaken about that. I think he wants to know. The Senator from South Carolina has the figures.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Louisiana yield to the Senator from South Carolina?

Mr. CAFFERY. Not at present.

The PRESIDING OFFICER. The Senator from Louisiana declines to yield.

Mr. CAFFERY. I will read from the report of the chairman of the Naval Affairs Committee of the House:

The same provision providing for the restoration of the title of midshipman and the abolishment of the two years' course at sea, as contained in the personnel bill of last year, is herein inserted in this bill. This provision passed the House, but failed to become a law. It restores the time-honored title of midshipman, which was abolished by act of March 5, 1882. Midshipman was a term used to designate the young men who were being trained for naval officers, and is deemed more appropriate than the present appellation.

The discontinuance of the two years' course at sea is something that has been felt by naval officers for many years to be desirable. It gives the cadets their commissions at the end of four years, the same as at West Point, instead of at the end of six years, as now allowed by law, but the abolition of the two years' sea course becomes all the more necessary at this time by reason of the fact that we have to-day a scarcity of officers. In 1872 we added on this two years' sea course for the reason that owing to the decadence of our Navy we did not need officers; but now things have changed. In Senate Document No. 168 in this Congress, the Secretary of the Navy shows in a tabulated statement prepared by the Bureau of Navigation that we need an increase of 697 officers in addition to those we have already on the active list to give a full complement to all ships now in commission and those which could be placed in commission within thirty days in case of urgent necessity. This provision will give a most substantial increase, and in the report of the Chief of the Bureau of Navigation is strongly recommended in these words:

"One of the most important features of the bill (personnel bill) was stricken out, however, before it became a law, and by the omission of this feature—the change from the six-year to the four-year course at the Naval Academy—the number of commissioned officers intended to be provided was so largely reduced that it becomes necessary to ask that some relief be immediately furnished. The Bureau recommends that this serious omission be corrected and that the largely increased demands for officers for important service be met by increasing the number of officers in each grade by 10 per cent and by providing for the four years' course at the Naval Academy."

Mr. President, this tabulated statement shows the truth of the report of the Committee on Naval Affairs of the House.

I rise to add my protest to that of the Senator from Ohio [Mr. FORAKER] against requiring two years' sea service of men who get one year's sea service in the course of the four years' undergraduate. There is a three months' cruise nearly every year for the four. In that cruise they become fully competent to control men and govern ships, and they acquire all necessary information in regard to the navigation of ships. What more is required? Have we not the evidence before us in the present living officers of the United States Navy, who are men more than equal to any admirals in the world, that the two years' sea service is useless? Admiral Dewey did not go through it. Admiral Sampson did not go through it. Admiral Watson did not go through it.

Who advise that we do not need the two years' sea service? The superintendent of the Naval Academy advises it. It is advised by high officers of the Navy. The Secretary of the Navy himself advises in his report not more than one year's sea service, and the House, in my opinion, acted wisely in cutting off this two years' sea service. The young men have no commissions. They are charged with responsibility. If they die or get killed there is no provision for them whatever. I should like to know what

more responsibility there is upon the cadet who graduates at Annapolis than upon the cadet who graduates at West Point. I should like to know further whether after the four years they can not acquire all the information that is necessary as officers, subordinate officers, without this hanging between heaven and earth, neither officers nor seamen.

This thing may have been debated last year. It was. I was not here, and I did not hear the debate. The more I look at it, the more I think it is unjust to the cadets. It is unjust to the Government. How will this gap of 697 officers be filled? There are not more than an average of 43 men graduating every year at Annapolis. I think the last year's class was 39. This year's class, perhaps, will be something near 50; but it will average 43 or 44 men. That is the average of the graduating class at the end of every four years. Surely that is not going to dump this large number of officers upon the service. Before I sit down, I desire to say another thing.

In the letter of the Secretary of the Navy he has something to say about the land service of naval officers. I will read it:

It has come to the attention of the Department that there is an impression that the scarcity of officers for sea duty is due to their unnecessary employment on shore. Such, however, is not the case. One source of the high efficiency of the American Navy for years past has been the intimate acquaintance of its personnel with the administration, design, and construction of the fleet, its ships, and all its parts. Our guns, our engines, our hulls are designed and supervised in their manufacture by naval officers. We have not followed the system of foreign services, which gives the benefit of this experience and instruction to civilians and robs the officers and the services of it.

That accounts sufficiently why a large part of the efficient naval force is employed on shore. They are engaged in the designing of ships, in the construction of machinery, in matters whereof they ought to know, and matters knowing which has made our officers the most practical seamen on earth. They know all about a ship. They learn that on shore. They direct the construction of ships, of guns, of machinery, and that part of their service on shore is equally as valuable as their service at sea.

I should like the Senator from New Hampshire to point out a single officer belonging to the Navy who is on shore to the detriment of the service, who is not on shore to the benefit of the service, engaged in work belonging to the service which is as necessary to its perfection as sea service itself.

Mr. President, I never could see why this invidious distinction was made between the cadets at West Point and the cadets at Annapolis. So far as responsibility is concerned, the honors are quite easy. When a cadet graduates, as a matter of course, he holds a subordinate position. He is there to learn; he is there to be instructed; and he ought to be placed in command over a certain number of men. Now they feel their littleness; they feel their helplessness; and, as was well said by the Senator from Ohio, when wounded in battle, when killed in the service of their country, without special legislation there is no general law providing for them in the way of fair pay, as is the case with a regularly appointed and commissioned officer.

I should like to be enlightened on this matter. I have not heard anything from the Committee on Naval Affairs that at all, in my opinion, leads to the conclusion that their amendment is proper. I want to insert in the RECORD the letter of the Secretary of the Navy to the chairman of the Naval Affairs Committee of the Senate, dated February 12, 1900:

[Senate Document No. 168, Fifty-sixth Congress, first session.]

VESSELS AUTHORIZED AND UNDER CONSTRUCTION FOR UNITED STATES NAVY, ETC.

NAVY DEPARTMENT, Washington, February 12, 1900.

SIR: Replying to the resolution of the Senate dated the 15th ultimo, requesting the Secretary of the Navy to inform the Senate "how many vessels are now under construction of all types and classes; second, how many officers of each grade or rank would be required to officer vessels now in commission or that could be put in commission in thirty days; third, when the vessels now under construction will be completed, ready for commission; fourth, the number of officers and men on each of the vessels of the Navy of the United States," I have the honor to inclose herewith a tabulated statement, prepared by the Chief Constructor of the Navy, showing the vessels authorized and under construction for the United States Navy, corrected to date, on the margin of which has been added the estimated date when the vessels "will be completed and ready for commission;" also lists prepared in the Bureau of Navigation showing, respectively, the number of officers on each of the vessels of the United States Navy and the total number of said officers; also the number of officers required to give complete complement for each vessel of the United States Navy now in commission, or that could be put in commission within thirty days, and the grand total of said officers; the complement of officers that would be needed for ships of the United States Navy under construction and under repair; the number of enlisted men required for vessels of the United States Navy in commission; the number of enlisted men required for vessels of the United States Navy not in commission, if commissioned; the number of enlisted men required for vessels of the United States Navy under construction, and also for a certain number of colliers; and the number of men required for the vessels of the Coast and Geodetic Survey, officers for which can not be supplied until the number in the service is increased.

I have the honor to be, sir, very respectfully,

JOHN D. LONG, Secretary.

The PRESIDENT PRO TEMPORE OF THE UNITED STATES SENATE.

[Navy Department, Bureau of Construction and Repair, January 1, 1900.]

Vessels authorized and under construction, United States Navy.

No.	Name.	Speed.	Builder, etc.	Will be completed, ready for commission—
<i>Battle ships (8).</i>				
		<i>Knots.</i>		
5	Kearsarge.....	17	Newport News.....	May, 1900.
6	Kentucky.....	17	do.....	June, 1900.
7	Illinois.....	17	do.....	March, 1901.
8	Alabama.....	17	Cramp & Sons.....	July, 1900.
9	Wisconsin.....	17	Union Iron Works.....	September, 1900.
10	Maine.....	18	Cramp & Sons.....	November, 1901.
11	Missouri.....	18	Newport News.....	June, 1902.
12	Ohio.....	18	Union Iron Works.....	Do.
<i>Sheathed battle ships (3).</i>				
	Pennsylvania.....	19	Designs in preparation.....	(October, 1903. If contract is executed by July, 1900.
	New Jersey.....	19	do.....	
	Georgia.....	19	do.....	
<i>Sheathed armored cruisers (3).</i>				
	West Virginia.....	22	Designs in preparation.....	(October, 1903. If contract is executed by July, 1900.
	Nebraska.....	22	do.....	
	California.....	22	do.....	
<i>Sheathed protected cruisers (7).</i>				
	Albany.....	20	Armstrong's, England.....	March, 1900.
14	Denver.....	17	Neafie & Levy.....	July, 1902.
15	Des Moines.....	17	Fore River Engine Co.....	Do.
16	Chattanooga.....	17	Lewis Nixon.....	Do.
17	Galveston.....	17	Wm. R. Trigg Co.....	Do.
18	Tacoma.....	17	Union Iron Works.....	Do.
19	Cleveland.....	17	Bath Iron Works.....	Do.
<i>Monitors (4).</i>				
7	Arkansas.....	12	Newport News.....	January, 1902.
8	Connecticut.....	12	Bath Iron Works.....	July, 1901.
9	Florida.....	12	Lewis Nixon.....	Do.
10	Wyoming.....	12	Union Iron Works.....	Do.
<i>Gunboat.</i>				
	For Great Lakes. Authorized by act of May 4, 1898. Action suspended.			
<i>Training vessel for Naval Academy.</i>				
	Chesapeake (sailing vessel).		Navy-yard, Boston.....	Practically completed.
<i>Torpedo-boat destroyers (16).</i>				
1	Bainbridge.....	29	Neafie & Levy.....	
2	Barry.....	29	do.....	April, 1901.
3	Chauncey.....	29	do.....	
4	Dale.....	28	Wm. R. Trigg Co.....	May, 1901.
5	Decatur.....	28	do.....	
6	Hopkins.....	29	Harlan & Hollingsworth.....	April, 1901.
7	Hull.....	29	do.....	
8	Lawrence.....	30	Fore River Engine Co.....	Do.
9	Macdonough.....	30	do.....	
10	Paul Jones.....	29	Union Iron Works.....	Do.
11	Perry.....	29	do.....	
12	Preble.....	29	do.....	Do.
13	Stewart.....	29	Gas Engine and Power Co.....	Do.
14	Truxton.....	30	Maryland Steel Co.....	Do.
15	Whipple.....	30	do.....	
16	Worden.....	30	do.....	
<i>Torpedo boats (17).</i>				
19	Stringham.....	30	Harlan & Hollingsworth.....	Practically completed.
20	Goldsborough.....	30	Wolff & Zwicker.....	September, 1900.
21	Bailey.....	30	Gas Engine and Power Co.....	
24	Bagley.....	28	Bath Iron Works.....	December, 1900.
25	Barney.....	28	do.....	
26	Biddle.....	28	do.....	
27	Blakely.....	28	Geo. Lawley & Sons.....	Do.
28	De Long.....	25	do.....	
29	Nicholson.....	25	Lewis Nixon.....	Do.
30	O'Brien.....	25	do.....	
31	Shubrick.....	25	Wm. R. Trigg & Co.....	Do.
32	Stockton.....	25	do.....	
33	Thornton.....	25	do.....	Do.
34	Tingly.....	25	Columbian Iron Works.....	Do.
35	Wilkes.....	25.5	Gas Engine and Power Co.....	Do.
<i>Submarine torpedo boat.</i>				
1	Plunger.....	8	Columbian Iron Works.....	January, 1901.

Total, 61.

PHILIP HICHBORN,
Chief Constructor, U. S. N., Chief of Bureau,
BUREAU OF CONSTRUCTION AND REPAIR,
January 13, 1900.

1. Officers on each of the vessels of the United States Navy.

NOTE.—Vessels indicated thus (*) are used for either recruiting rendezvous or in the training service, and are mostly of the type of the old sailing vessels, or are used for the Naval Militia of the States or the Naval Reserve force. † These vessels belong to the United States Coast and Geodetic Survey Service, and have not been officered by the Navy Department since the beginning of the Spanish-American war, no officers being available.

Abarenda	10	Mariveles	2
Active (tug)	1	Massachusetts (in reserve)	18
Accomac (tug)	1	Massasoit	1
Adams	11	Mindoro	2
Albatross	7	Michigan	6
Alba	2	Monadnock	20
Alexander	1	Modoc (tug)	1
Alliance	13	Monongahela	19
Amphitrite	18	Monterey	25
Basco	2	Montgomery	13
Baltimore	30	Nashville	13
Bennington	12	Nero	10
Brooklyn	35	Newark	23
Cesar	4	New Orleans	25
Calamianes	2	New York	34
Callao	2	Oregon	30
Castine	12	Panay	3
Celtic	9	Pampanga	2
Chicago	28	Paragua	2
Choctaw (tug)	1	Pensacola	16
Coal Barge No. 1	1	Petrel	14
Coal Barge No. 2	1	Philadelphia	30
Concord	13	Porter	1
Constellation*	26	Potomac	5
Culgoa	8	Prairie	14
Detroit	12	Princeton	12
Dixie	24	Ranger	10
Dolphin	10	Richmond*	11
Don Juan de Austria	2	St. Marys*	4
Eagle	6	Samar	4
Enterprise	4	Santee*	3
Essex	12	Saratoga	4
Farragut	1	Scindia	11
Franklin*	13	Scorpion	9
Gardoqui	2	Sioux (tug)	1
Glacier	11	Solace	11
Hartford	22	Sylph	1
Helena	11	Sebago (tug)	2
Independence*	14	Talbot	1
Indiana (in reserve)	13	Tecumseh	1
Iowa	26	Texas	24
Iris	4	Uncas	4
Iroquois	1	Vermont*	18
Isla de Cuba	3	Vixen	9
Isla de Luzon	5	Wabash*	13
Lancaster	20	Wheeling	9
Leyden	1	Wilmington	13
Machias	11	Yankton	7
Manila	9	Yorktown	12
Manileno	2	Yosemite	23
Marcellus	5		
Marblehead	11	Total	1,062
Marietta	11		

2. Officers required to give complete complement for each vessel of the United States Navy now in commission.

Abarenda	9	Mariveles	3
Active (tug)	3	Massachusetts	32
Accomac (tug)	3	Massasoit	10
Adams	14	Michigan	6
Albatross	7	Mindoro	3
Albay	3	Monadnock	26
Alexander	8	Modoc (tug)	3
Alliance	18	Monongahela	21
Amphitrite	25	Monterey	19
Basco	3	Montgomery	20
Baltimore	36	Nashville	11
Bennington	16	Nero	9
Brooklyn	46	Newark	34
Cesar	6	New Orleans	24
Calamianes	3	New York	40
Callao	3	Oregon	32
Castine	11	Panay	3
Celtic	16	Pampanga	3
Chicago	33	Paragua	3
Choctaw (tug)	3	Pensacola	16
Coal barge No. 1	3	Petrel	10
Coal barge No. 2	3	Philadelphia	34
Concord	13	Porter	4
Constellation*	15	Potomac	3
Culgoa	8	Prairie	18
Detroit	20	Princeton	11
Dixie	14	Ranger	21
Dolphin	7	Richmond*	11
Don Juan de Austria	8	Samar	4
Eagle	4	St. Marys*	3
Enterprise	8	Santee*	6
Essex	15	Saratoga*	4
Farragut	6	Scindia	10
Franklin*	13	Scorpion	8
Gardoqui	3	Sioux (tug)	3
Glacier	8	Solace	12
Hartford	32	Sylph	3
Helena	10	Sebago (tug)	3
Independence*	14	Talbot	3
Indiana	32	Tecumseh	3
Iowa	26	Texas	30
Iris	7	Uncas	3
Iroquois	3	Vermont*	18
Isla de Cuba	3	Vixen	6
Isla de Luzon	8	Wabash*	13
Lancaster	20	Wheeling	11
Leyden	3	Wilmington	10
Machias	11	Yankton	8
Manila	9	Yorktown	14
Manileno	3	Yosemite	18
Marcellus	6		
Marblehead	20	Total	1,272
Marietta	11		

Could be put in commission within thirty days, as reported by the Bureau of Construction and Repair.

Albany	24	Nina	3
Alice	4	Pawtucket	4
Alvarado	4	Penacook	4
Atlanta	19	Piscataqua	5
Bancroft	10	Pontiac	4
Buffalo	29	Powhatan	3
Cheyenne	3	Sandoval	3
Chickasaw	3	Seminole	3
Dahlgren	3	Standish	4
Davis	3	Triton	3
Du Pont	3	Unadilla	4
Fortune	4	Vicksburg	11
Fox	3	Waban	1
Gloucester	9	Wahneta	3
Gwin	3	Wompatuck	3
Hercules	1		
Nero	12	Total	212
Monocacy	3		
Morris	3	Grand total	1,484
Narkeeta	3		
Newport	11		

Officers of each grade required to give the grand total of 1,484 officers necessary to furnish complete complements for the vessels mentioned in the foregoing list.

Rear-admirals ¹	4
Captains	26
Commanders	51
Lieutenant-commanders	118
Junior line officers, commissioned	602
Cadets	70
Medical officers	95
Pay officers	70
Chaplains	20
Warrant officers	428

Total 1,484

NOW ON ACTIVE LIST (SEAGOING).

Total number of commissioned and warrant officers of all grades, 1,601 (including cadets at sea).

(NOTE.—Eight captains for engineer duty only, not available for sea service.)

(Fifteen commanders for engineer duty only, not available for sea service.)

3. List of vessels prepared by the Bureau of Navigation, not now in commission, but which, in its opinion, could be placed in commission within thirty days in case of urgent necessity, and number of officers required.

Aileen	8	Mohican	14
Annapolis	12	Montauk	8
Apache	3	Nahant	8
Ararat	9	Nanshan	6
Arethusa	5	Nantucket	8
Barcelo	3	Nezinscot	3
Belusan	8	Olympia	30
Brutus	6	Oneida	8
Canonicus	10	Osceola	3
Catskill	8	Panther	12
Chesapeake	12	Pawnee	3
T. A. M. Craven	5	Peoria	8
Cushing	3	Pinta	8
Dorothea	8	Pompey	6
El Cano	8	Puritan	18
Elfrida	8	Rapido	3
Ericsson	3	Restless	8
Fern	4	Rodgers	3
Foote	3	Rowan	3
Frolic	3	Samoset	3
Goldsborough	5	San Francisco	32
Hannibal	6	Shearwater	8
Hawk	8	Sioux	3
Hist	8	Siren	8
Hornet	8	Somers	3
Huntress	8	Southery	6
Inca	8	Sterling	6
Iwana	3	Stiletto	3
Jason	8	Stranger	8
Justin	6	Stringham	5
Katabdin	12	Supply	6
Kearsarge	32	Sylvia	8
Kentucky	32	Terror	18
Lebanon	6	Topeka	16
Lehigh	8	Traffic	3
Leonidas	6	Urdaneta	8
Leyden	3	Vesuvius	4
Leyte	8	Vigilant	3
Mackenzie	3	Wasp	8
Mahopac	10	Winslow	3
Manhattan	10	Zafiro	6
Manly	3		
Mayflower	10	Total	697
McKee	3		
Miantonomoh	18	Aggregate	2,181
Mohawk	3		

Officers of each grade required to give the total of 697 officers necessary to furnish complete complements for the vessels mentioned in the list compiled by the Bureau of Navigation.

Rear-admirals	2
Captains	7
Commanders	25
Lieutenant-commanders	36
Junior line officers, commissioned	292
Cadets	45
Medical officers	45
Pay officers	36
Chaplains	4
Warrant officers	205

Total 697

¹ The placing in commission of the additional vessels that could be ready in thirty days would require more admirals afloat.

4. Officers needed on additional ships of the United States Navy (not mentioned in the preceding lists), under construction and under repair, and vessels of the Coast and Geodetic Survey.

Alabama.....	30	McArthur†.....	4
Alert.....	12	Minnesota*.....	10
Arkansas.....	18	Missouri.....	30
A. D. Bachet†.....	5	Nebraska.....	30
Badger.....	12	New Hampshire*.....	10
Bagley.....	3	New Jersey.....	30
Bailey.....	3	Nicholson.....	3
Bainbridge.....	4	O'Brien.....	3
Barney.....	3	Ohio.....	30
Barry.....	4	Ondina.....	3
Biddle.....	3	Pathfinder†.....	5
Blake†.....	5	C. P. Patterson†.....	5
Blakely.....	3	Paul Jones.....	4
Boston.....	16	Pennsylvania.....	30
California.....	30	Perry.....	3
Chattanooga.....	16	Plunger.....	4
Chauncey.....	4	Portsmouth*.....	8
Cincinnati.....	14	Preble.....	4
Cleveland.....	16	Quick†.....	4
Columbia.....	16	Rocket.....	3
Connecticut.....	18	Raleigh.....	16
Dale (torpedo boat).....	4	Shubrick.....	3
Dale (ship)*.....	5	St. Louis.....	8
De Long.....	3	Stewart.....	4
Decatur.....	4	Stockton.....	3
Denver.....	16	Tacoma.....	16
Des Moines.....	16	Thornton.....	3
Eagret†.....	5	Tingey.....	3
Endeavor†.....	4	Truxtun.....	4
Fish Hawk.....	4	Water barge No. 1.....	2
Florida.....	18	Water barge No. 2.....	2
Galveston.....	16	Water barge No. 3.....	2
Gedney†.....	4	Water barge No. 4.....	2
Georgia.....	30	Water barge No. 5.....	2
Hopkins.....	4	West Virginia.....	30
Hull.....	4	Whipple.....	4
Illinois.....	30	Wilkes.....	3
Iona.....	3	Wisconsin.....	30
Jamestown*.....	6	Worden.....	4
Lawrence.....	4	Wyoming.....	18
MacDonough.....	4	Yankee.....	14
Maine.....	30	Yantic*.....	8
Marion*.....	6		
Matchless†.....	4	Total.....	86

Rear-admirals ¹	4
Captains.....	23
Commanders.....	10
Lieutenant-commanders.....	91
Junior line officers (commissioned).....	432
Medical officers.....	38
Pay officers.....	38
Warrant officers.....	226
Total.....	² 867
Total.....	1,484
Total.....	697

Final grand total of officers required for all of the 311 vessels heretofore mentioned in lists marked 2, 3, and 4.....	3,048
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¹ These 4 rear-admirals required in case the vessels mentioned in the foregoing list are commissioned.

² And such cadets as may be available.

Final résumé indicating the number of officers of each grade required, as heretofore set forth, and the final grand total of same.

Rear-admirals.....	10
Captains.....	61
Commanders.....	86
Lieutenant-commanders.....	245
Junior line officers—commissioned.....	1,326
Cadets.....	115
Medical officers.....	178
Pay officers.....	144
Chaplains.....	24
Warrant officers.....	850
Total.....	3,048

Total	3.048
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Officers of the United States Navy should be detailed for this duty as provided by sections 4684 and 4685 of the Revised Statutes of the United States. Total number of officers required for these vessels, 45; should there be an increase of officers, sections 4684 and 4685 could be complied with.

Complement of enlisted men of vessels of the United States Navy in commission.

Vessels indicated thus (*) are used for either recruiting rendezvous or in training service, and are mostly of the type of the old sailing vessels or are used for the naval militia of the States.

Vessels indicated thus (+) belong to the United States Coast and Geodetic Survey service, and are manned by enlisted men of the Navy.

Name of vessel.	Number of enlisted men.	Name of vessel.	Number of enlisted men.
Abarenda.....	75	Brooklyn	412
Active	7	Brutus	55
Adams	220	Cæsar	29
A. D. Bache†	34	Callao	25
Albany	301	Castine.....	130
Albatross	70	Celtic	106
Alice	8	Chicago	393
Alliance.....	245	Concord	163
Amphitrite.....	264	Constellation*	616
Accomac	9	C. P. Patterson†	37
Baltimore.....	275	Culgoa	78
Bennington.....	113	Coal barge No. 1	7
Blake†	14	Coal barge No. 2	6

Complement of enlisted men of vessels of the United States Navy in commission—Continued.

[illegible]

Complement of enlisted men of vessels of the United States Navy in commission—Continued.

Name of vessel.	Number of enlisted men.	Name of vessel.	Number of enlisted men.
<i>Would be required for vessels of the United States Navy not in commission if commissioned—Continued.</i>		<i>Under construction—Continued.</i>	
		TORPEDO-BOAT DESTROYERS—continued.	
Terror.....	173	Chauncey.....	69
Topeka.....	162	Dale.....	69
Vesuvius.....	72	Decatur.....	69
Vicksburg.....	63	Hopkins.....	69
Wasp.....	63	Hull.....	69
Yankee.....	183	Lawrence.....	69
Total.....	7,185	MacDonough.....	69
<i>Under construction.</i>		Paul Jones.....	69
BATTLE SHIPS.		Perry.....	69
Kearsarge ²	453	Preble.....	69
Kentucky ³	454	Stewart.....	69
Illinois.....	457	Truxton.....	69
Alabama ⁴	458	Whipple.....	69
Wisconsin.....	457	Worden.....	69
Maine.....	451	TORPEDO BOATS.	
Missouri.....	451	Dahlgren.....	26
Ohio.....	451	T. A. M. Craven.....	26
SHEATHED BATTLE SHIPS.		Stringham.....	56
Pennsylvania.....	451	Goldsborough.....	53
New Jersey.....	451	Bailey.....	60
Georgia.....	451	Bagley.....	26
SHEATHED ARMORED CRUISERS.		Barney.....	26
West Virginia.....	550	Biddle.....	26
Nebraska.....	550	Blakely.....	26
California.....	550	De Long.....	26
SHEATHED PROTECTED CRUISERS.		Nicholson.....	26
Denver.....	238	O'Brien.....	26
Des Moines.....	238	Shubrick.....	26
Chattanooga.....	238	Stockton.....	26
Galveston.....	238	Thornton.....	26
Tacoma.....	238	Tingey.....	26
Cleveland.....	238	Wilkes.....	26
MONITORS.		SUBMARINE TORPEDO BOAT.	
Arkansas.....	124	Plunger.....	8
Connecticut.....	124	Total.....	10,298
Florida.....	124	Additional vessels not in commission.	
Wyoming.....	124	COLLIERS.	
TRAINING VESSEL FOR NAVAL ACADEMY.		Alexander ⁵	42
Chesapeake ¹	94	Arethusa.....	79
TORPEDO-BOAT DESTROYERS.		Hannibal.....	42
Bainbridge.....	69	Justin.....	49
Barry.....	69	Lebanon.....	53
		Leonidas.....	46
		Pompey.....	43
		Southery.....	47
		Sterling.....	53
		Total.....	454
		Grand total.....	32,933

¹ Will be ready for commissioning April, 1900.

² Will be ready for commissioning February, 1900.

³ Will be ready for commissioning April, 1900.

⁴ Will be ready for commissioning June, 1900.

⁵ This vessel is now in service, with a merchant crew on board and one assistant paymaster from the United States Navy.

I also wish to insert a letter of the Acting Secretary of the Navy, Mr. Allen, dated April 5, 1900:

[Senate Document No. 279, Fifty-sixth Congress, first session.]

CHANGE IN LAWS RELATING TO APPOINTMENTS TO THE NAVAL ACADEMY.

NAVY DEPARTMENT, Washington, April 5, 1900.

SIR: The Department again invites the attention of your committee to the urgent necessity for providing such a change in the laws relating to appointment to the Naval Academy as will fill the vacancies in the line of the Navy, and to the necessity for immediately enacting such legislation as will substantially increase the authorized quota itself.

Congress has from time to time authorized the construction of powerful vessels for our naval defense, and at the present time four of the largest of these are about ready for active service. The *Kearsarge* has recently been commissioned, the *Kentucky* should be commissioned about May 15, the *Alabama* should be ready by July 1, and the *Wisconsin* within a few weeks thereafter. In order that these resources may be availed of, and in order that they may not deteriorate, and that part of their value may not be lost to the country, they should be put in full commission with an adequate number of officers and men. Indeed, in these vessels we have gained nothing for the naval defense of the country unless we have the means to man and fight them. The Department finds that it is absolutely unable to commission another one without reducing in some other particular our already meager coast defense.

The *Kearsarge*, ostensibly in commission and representing potentially a large proportion of our naval strength, is greatly underofficered, as will be seen by the following comparison: Comparing her with two first-class battle ships of the British navy, the *Majestic*, a flagship, and the *Mars*, not a flagship, we find that she has 23 officers on board against 70 on board the *Majestic*

and 45 on board the *Mars*. Comparing the number of officers for line and engineer duty, the *Kearsarge* has 13 against 40 on board the *Majestic* and 31 on board the *Mars*. The comparison with similar vessels of other navies is carried further in the following table:

Line and engineer officers.

Kearsarge (United States).....	13
Carnot (France), not flagship.....	24
Charles Martel (France), flagship.....	31
Kurfürst Friedrich Wilhelm (Germany), flagship.....	25
Weissenburg (Germany), not flagship.....	23
Rurik (Russia), not flagship.....	26

With the present complement of the *Kearsarge* it is possible to detail only one officer for the command of the four guns (two 13-inch and two 8-inch) contained in one of her double turrets.

It has come to the attention of the Department that there is an impression that the scarcity of officers for sea duty is due to their unnecessary employment on shore. Such, however, is not the case. One source of the high efficiency of the American Navy for years past has been the intimate acquaintance of its personnel with the administration, design, and construction of the fleet, its ships, and all its parts. Our guns, our engines, our hulls are designed and supervised in their manufacture by naval officers. We have not followed the system of foreign services, which gives the benefit of this experience and instruction to civilians and robs the officers and the services of it.

The officers of our Navy who are being kept on shore to-day are few in number and are devoted almost exclusively to duties which add directly to the efficiency of the fleet through the excellence of the product which they give us and the benefit of the training which the officers get themselves. The evil effect of detaching an officer from duty as inspector of a torpedo boat under construction would be felt just as certainly and severely as the evil effect of detaching a watch officer from the *Kearsarge*.

The Department has plead for officers for sea duty, but it needs them just as urgently for duty on shore. The only difference is that a place left unfilled on a battle ship in commission is an immediate necessity, of which the evil effect is felt at the time, while a place left unfilled on inspection duty carries its effect further into the future, when the imperfect vessel, which has been left uninspected and unsupervised in construction, goes into the service a failure in the whole or in some detail, and some day in battle is tried and found wanting.

The conditions set forth above are growing more and more exigent from month to month, and the Department warns your committee, and begs you to communicate its warning to Congress, that it has no means to correct these conditions and that it looks to Congress for relief.

Very respectfully,

CHAS. H. ALLEN,

Acting Secretary.

CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,

United States Senate.

Mr. TILLMAN. Mr. President, if I had listened to the importunities of my friends who are Senators and Members of the House, and who have boys or protégés in the Naval Academy, I should never have consented to vote in the committee for the striking out of this provision. But I think a Senator's vote here reaches further and higher than to accommodate a friend or to do a supposed kindness, especially when such action is in direct violation of his sense of duty. I therefore sustained the committee last year, and I am ready to sustain it now by my voice and vote in compelling the cadets to serve the full six years—two years at sea after they have graduated at Annapolis—before they get their commissions. The reasons are so plain that I do not see how any Senator can reasonably contend for any other action.

We have been asked what is the difference between a cadet at Annapolis and a cadet at West Point. So far as the mere studies are concerned, the college curriculum, they are largely identical, and the two boys stand on an equality; but when the cadet-graduate at West Point comes from that institution and is given his commission, what are his duties and what are his responsibilities? There is no possible condition that you can conceive where that young man will ever have anything in his charge other than a few men, possibly a few hundred men, with the rifles with which they are armed and two or three or a half a dozen pieces of artillery. He is carried into the field to do exactly the same work that he has been doing all his life since he has been in the Academy, and that is to handle arms and give orders and obey orders.

What does a naval cadet have to do? He has been educated on land. He has been devoting himself to the study of mathematics, physics, astronomy, and the other sciences that are required at that Academy. When he graduates, instead of having to serve on land, he goes immediately to sea. What does he go to sea in? An old-fashioned ship, costing five hundred or seven hundred thousand or a million dollars, like the ships that were in our service up to the last fifteen or twenty years? No, sir. First he goes upon a new element; then he gets into the most perfect piece of machinery, the most condensed machinery, the most intricate, complicated machinery ever devised by science and the skill of man.

He goes into a piece of machinery, if it is a battle ship, that has cost \$5,000,000 or more; and if he is allowed, as he would be if these things were put into his hands, to be held responsible for the safeguarding and the proper handling and control of that piece of machinery, without any supervision of other officers of more experience, you would be brought face to face with a condition which would involve the loss to this Government not only of the life of the boy himself, and the life of the entire crew, but of that valuable piece of property, costing such an immense sum of money.

Would any man contend that there is no difference between the duties devolved upon these two cadets? It is absurd for any man to make any such contention, and it is more absurd for any man

to ask Senators, because his son is in the Naval Academy or his friend's son, to vote here to put this Government property in jeopardy in any such manner as that.

Mr. FORAKER. Will the Senator from South Carolina allow me to interrupt him?

Mr. TILLMAN. The Senator from Ohio would not allow me, but I take pleasure in allowing him.

Mr. FORAKER. I am not aware that I disallowed the Senator to interrupt me. I asked him to wait a moment—

Mr. TILLMAN. I am perfectly willing for the Senator to interrupt me and to throw light on anything I am discussing.

Mr. FORAKER. I asked him to wait a moment until I had completed a sentence I was then uttering. I thought it was entirely agreeable to the Senator. I supposed it was. Hereafter I will yield to the Senator at any time, but I rise now to say, in the first place, that I have no son in the Navy.

Mr. TILLMAN. I am not making any personal allusions here other than that I have been importuned by my friends' sons who are at Annapolis and by some of my friends on this floor and by some of my friends in the other Chamber to vote for this four years' course in order to let their boys get their commissions. I would have been glad to accommodate them if I could have done so and discharged my duty as I saw it.

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. FORAKER. The Senator will not accommodate me much when he yields unless he yields.

Mr. TILLMAN. I will sit down and give the Senator the floor.

Mr. FORAKER. I only want an opportunity to speak for a moment. I would rather the Senator would stand, for I want to say only a word.

Mr. TILLMAN. I will stand if it will accommodate my friend.

Mr. FORAKER. The Senator has made that statement a number of times. I have no interest in this. I have no friend, no protégé, there. I have no interest of that kind whatsoever. I have no one there in whom I am interested, and I never did have.

Another word. I want to interrupt the Senator about something more important than that, because I did not imagine he had reference to me, but I wanted the RECORD to show that he did not. The Senator speaks about these graduates, after they leave the Academy, if they were commissioned, having to assume these great responsibilities. My information is, and it comes from the Navy Department, that they are now, without commission, put in precisely the same official relation to the discharge of duty that they would be if they had the commission. They take the place largely and discharge the duties of junior commissioned officers now, and the sole question about this whole matter is whether they shall go and discharge these duties with or without a commission, with or without rank.

Mr. TILLMAN. If I could agree with the Senator in that belief—

Mr. FORAKER. That is the information I have. It comes from the Navy Department.

Mr. TILLMAN. The trouble about it is we get so many reports from the various branches of the naval service that we are sometimes brought face to face with contradictions. I hold in my hand here a table which will throw a great deal of light on the present situation in the Navy. It is from the Chief of the Bureau of Navigation, Admiral Crowninshield, under date of April 23, and it discloses this condition of affairs:

The total number of all officers in the Navy is 1,265. Of these, 603 are at sea; 585 are on shore; 39 are on waiting orders, making 624 who are on shore. Now, that reminds one very much of the Gilbert and Sullivan opera, where the queen's navy was ridiculed and criticised because it was all on land. I remember the first time I ever saw Pinafore, when the old admiral comes out with his landlubbers, who had never been on the sea at all, and, speaking about it, says:

I boarded so often and boarded so free
That they made me admiral of the queen's navy.

We have a whole lot of landlubbers loafing around here doing nothing but drawing large salaries in our service, when they could go to sea and we would have no lack of officers, if we had anybody to look into this matter and push it. There is too much favoritism in this business, and when we say we have 624 officers who are doing inspection duty or who are doing bureau duty, we know it is impossible that you can have that many men reasonably employed or decently employed on shore.

Mr. FORAKER. Will the Senator allow me to ask him a question?

Mr. TILLMAN. I yield with pleasure.

Mr. FORAKER. I understood him to say he had in his hand a report—

Mr. TILLMAN. A letter from the Chief of the Bureau of Navigation, Admiral Crowninshield.

Mr. FORAKER. I want to ask the Senator whether he makes

any recommendation in regard to this matter? Does he not recommend that this two years at sea shall be discontinued as a part of the course?

Mr. TILLMAN. Has not the Senator realized long since that the social functions of this capital and the influence of the Navy over Senators and others and the influence of naval officers over each other are paramount, and the men who will do their duty as officers are as scarce as hens' teeth?

Mr. FORAKER. The Senator did not allow me to conclude my inquiry.

Mr. TILLMAN. I shall be glad to let the Senator finish.

Mr. FORAKER. My inquiry was if the Admiral of the Bureau of Navigation does not recommend—I am not speaking of why he should recommend—that the two years shall be discontinued.

Mr. TILLMAN. I have not taken the trouble to see what the Admiral recommends.

Mr. FORAKER. I will ask also if the Board of Visitors did not recommend that it should be discontinued after they had thoroughly investigated it?

Mr. TILLMAN. They recommended everything. I am going down there in June, and if they give me enough punch I suppose I will recommend that the cadets go to sea as captains, without any preliminary training.

Mr. FORAKER. I was not quite through with it. There is another question. I will ask the Senator if he is not aware of the fact, and if the Committee on Naval Affairs is not aware of the fact, that the Superintendent of the Naval Academy has recommended that it be discontinued, and if the commandant of the cadets has not recommended it, and if every other naval officer charged with authority and with the duty of making a report who has spoken on the subject has not recommended that it be discontinued? Is not every member of the Naval Affairs Committee aware of the fact that the Navy Department throughout, from top to bottom, every man who has spoken in regard to it, has recommended a discontinuance of this as unjust to the cadets and as not necessary to promote the service?

Mr. TILLMAN. I was not aware of the fact, and I would not care if I had been. I am not here to receive orders or suggestions from the Navy Department as to my duty. I investigate matters for myself, and I generally have manhood and intelligence enough, I think, to make up my mind and defend my position, and I do not ask any admiral or anybody else to tell me how I shall vote here.

Mr. DANIEL. Will the Senator allow me to ask him a question?

Mr. TILLMAN. With pleasure.

Mr. DANIEL. What do these 600 naval officers do?

Mr. TILLMAN. If you will tell me, I will take a great deal of pleasure in telling you.

Mr. DANIEL. The Senator said he investigated the matter, and I supposed he had found out.

Mr. TILLMAN. I have not been able to find out. I do not think anybody else can find out where they are profitably employed or reasonably employed. If the Senator will offer a resolution of inquiry calling on the Secretary of the Navy to designate what these men are doing, I think he will find that half of them are not doing anything except drawing salaries and sitting around some navy-yard. They are doing nothing, absolutely nothing. That is what they are doing.

Mr. DANIEL. The Senator did not know at first, and now he says they are doing nothing.

Mr. TILLMAN. I am just arguing as to what they are doing. I think I can see into a mill rock as far as the Senator, but this one I can not penetrate. Half of the officers could not be on shore unless there is some favoritism at the bottom of it, especially when they are asking for more men. That is the condition.

I will go back to the proposition as to these cadets receiving their commissions. I have already pointed out the danger that would occur in the event of a green, raw boy, who has simply gone through a school course, manipulating and handling a musket and studying mathematics and getting some idea of navigation and other things, being put in charge of one of these complicated machines, the fighting machine, the most complicated in the world. I think any man can see the difference between turning over such a machine to a cadet, involving loss of all on board, and turning over a few pieces of artillery or a few muskets to a cadet from West Point.

Mr. FORAKER. I do not like to interrupt the Senator again, but he always yields with so much pleasure that I think he enjoys it. So I shall take the liberty of requesting the privilege of asking him a question. Does the Senator think it would be any more injudicious to turn over those duties to a young man who had a commission than to turn them over to the same young man without a commission, as is being done, having the same duty and the same responsibility?

Mr. TILLMAN. Suppose you should find out, after two years of probation, so to speak, that he is not fit for the profession in

which he is to engage thereafter for a long time, and become a part of it, a kind of amphibious animal. Suppose you should find out that he was not fit for a sailor. He would have his commission and would have got in on the Government under some false pretense as an officer, to be carried on the pay rolls the balance of his life, receiving commissions by gradation up, up, up, whether he is any account or not.

Mr. FORAKER. If the Senator will allow me, he is certainly aware of the fact that the cadet can not take any step up, up, up, until he has been examined, examined, examined!

Mr. TILLMAN. The trouble about it is that there is a fellowship among them, a sort of freemasonry, by which they examine and pass some men and will not pass others.

Mr. FORAKER. Has the Senator—

Mr. TILLMAN. They are human like the rest of us, and they have feelings of favoritism and kindness and friendship and other influences which ought not to govern. I yield to the Senator from Ohio, if he wants to say anything.

Mr. FORAKER. I was only going to ask the Senator if he has no confidence in any class of humanity.

Mr. TILLMAN. I have as much in naval officers as in anybody else, but I will say I am not criticising unduly here. I have a great deal more confidence in the naval officers than I have in Senators.

But here comes another phase of this subject which the Senator who is in charge of the bill pointed out. The personnel bill provided for merging the line and the engineers, and for the performance of the duties of both by both after a certain lapse of time. It has been well understood by those who have examined the record of our Navy in the past that the Engineer Corps was by long odds (at least it was so considered) the highest corps in the Navy, and that the star graduates went into the Engineer Corps because of their superior ability as shown in their school course.

Therefore, when we required that line officers who had pursued an entirely different line of study should embrace in their preparation for becoming officers this additional line of study with which they were not familiar, and provided that the engineers should take up in addition to their special studies which they had pursued hitherto the additional duties required of line officers, can any man here pretend to say that what has hitherto required four years of special study can be mastered in both branches by the same boy? I do not believe it. It is very evident that in merging the two and in putting upon both the duties of both it requires an additional length of preparation and probationship.

Mr. President, I have in view only the best interests of the Navy, desiring to keep it to its high standard, desiring to prevent greenhorns from getting hold of our ships, and I saw in the papers the other day that six of our vessels were disabled in the last month by reason of incompetence in the engine room. Whose fault was that?

Mr. FORAKER. It was not the fault of any cadet, I will assure you, who was on a two years' cruise.

Mr. TILLMAN. But some officer who had been put there was simply drawing the pay, and when a man working without the pay and performing the duty which by right belonged to another officer, who knew nothing, or very little, about the engine, the mishap occurred. But whether it was such a case or not, it seems we are treading on dangerous ground in undertaking to change this personnel feature that we enacted here last year; and we should go along a little further and see "where we are at," to use a slang phrase, before we undertake to revolutionize it.

The Senator from Ohio stood on the personnel bill with the Marine Corps yesterday. Why does he turn around and want to revolutionize the cadet corps? There is no more reason for changing the one than there is for changing the other. You want to hold on to what you have got. Why not leave this provision a law and let the Navy go along without meddling with it so much and experimenting and legislating every twelve months because of importunities on the part of officers and their friends?

Mr. CAFFERY. Mr. President—

Mr. TILLMAN. I will ask to have this table printed. It gives the present number of naval officers, with the character of duty.

The PRESIDING OFFICER. Without objection, that order will be made.

The table referred to is as follows:

NUMBER OF COMMISSIONED NAVAL OFFICERS.

NAVY DEPARTMENT, Washington, April 23, 1900.

SIR: Replying to the resolution of the Senate, dated the 18th instant, requesting to be informed—

"First, what was the total number of commissioned naval officers on the 31st day of December, 1899; second, the number on shore duty; and, third, the number on leave of absence or on furlough or under orders other than to sea or shore duty; and also giving the above information as to each grade and class of officers in the Navy."

I have the honor to transmit herewith a statement prepared in the Bureau of Navigation of this Department, containing the information requested in the above-mentioned resolution.

I have the honor to be, sir, very respectfully,

JOHN D. LONG, Secretary.

The PRESIDENT PRO TEMPORE OF THE UNITED STATES SENATE.

Assignment of commissioned officers of the United States Navy, December 31, 1899.

Grade.	Total number in grade.	At sea.	On shore.	On leave or waiting orders.	On sick leave.	Nautical school-ships.	Special.
Admiral	1		1				
Rear-admirals	18	4	14				
Captains	70	18	45	7			
Commanders	112	33	71	4		3	1
Lieutenant-commanders	170	86	74	6	2		2
Lieutenants	300	156	120	11	6	7	
Lieutenants (junior grade)	105	62	39	1	2	1	
Ensigns	106	100	1		4	1	
Medical directors	15		14	1			
Medical inspectors	15	4	11				
Surgeons	50	21	27	2			
Passed assistant surgeons	49	19	26	2	2		
Assistant surgeons	35	28	5		2		
Pay directors	13		13				
Pay inspectors	13	3	8	2			
Paymasters	40	13	24	1	2		
Passed assistant paymasters	29	22	6	1			
Assistant paymasters	30	22	8				
Chaplains	24	12	11		1		
Professor of mathematics	11		11				
Naval constructors	20		20				
Assistant naval constructors	18		18				
Civil engineers	21		18	3	2		
Total	1,265	603	585	39	23	12	3

¹ Governor Sailors' Snug Harbor.

² Supervisor New York Harbor, and Isthmian Canal Commission.

³ Under suspension.

Of the officers enumerated above, 8 in the grade of captain and 15 in the grade of commander are former engineer officers transferred to the line under the provisions of the act of March 3, 1899, known as the "Navy personnel act." In accordance with its terms the assignment of these officers to sea is prohibited, and they are available for shore duty only.

In addition to the officers shown in the foregoing statement, there were, on December 31, 1899, 15 assistant surgeons appointed for temporary service, of whom 8 were on sea duty, 7 on shore duty.

Nineteen chief boatswains, 12 chief gunners, 19 chief carpenters, and 11 chief sailmakers were on the date mentioned distributed as follows:

Chief boatswains: At sea, 4; on shore duty, 14; sick leave, 1.

Chief gunners: On shore duty, 12.

Chief carpenters: At sea, 3; on shore duty, 14; sick leave, 1, and waiting orders, 1.

Chief sailmakers: At sea, 4; on shore duty, 7.

A. S. CROWNINSHIELD,
Chief of Bureau.

Mr. CAFFERY. I am glad to find such a distinguished naval authority as the Senator from South Carolina. He knows more about ships than most of us or most of the Navy have ever known.

Now, Mr. President, I have a son at the Naval Academy. I hope that I have manhood enough and that I have impartiality enough to discuss this question outside of any bearing that it may have on him or his fortunes. These insinuations of the Senator from South Carolina are, it appears to me, in bad taste.

Mr. TILLMAN. Unless the Senator should go further than he might need to go, I beg to say that I had no intention of accusing him of being so small as to let that influence him. He is only one of possibly twenty who have importuned me. I wish to say to the Senator further that, whatever differences he and I may have, I give him credit for being as staunch and as truly a high character as there is in this body, one who will fight for his principles and what he believes to be right without regard to consequences, and that he has proven.

Mr. CAFFERY. I am much obliged to the Senator for his statement. I thought I would let him know exactly how I stand in this matter. I wanted to discuss this thing without any reference whatever to the effect it may have on the fortunes of any cadet or any single individual. If I know myself, I have done so. We are all of us sometimes a little inclined to favor things that may favor us, and, in our own despite, our impartiality may sometimes be a delusion. But, Mr. President—

Mr. TILLMAN. If the Senator will permit me, I do not want to pursue an unpleasant subject any further; but if he were not influenced by love for his son and to try to advance and help him, if he thought he could do it decently, he would not be the father he ought to be.

Mr. CAFFERY. Well, Mr. President—

Mr. TILLMAN. I know what is due in such cases, because I have a son myself, and I know what I might do under similar circumstances.

Mr. CAFFERY. I will take the admonition as to filial love from this high authority upon naval affairs with the grace it merits.

Mr. President, as to the statement made by the Senator from

South Carolina, that it would be an abnormal thing and a wrong and an unusual and a dangerous thing to commission a naval cadet and place him in charge of a ship, that it would be detrimental to the public service, I agree with him. But will that be the case? Did anybody ever hear of a subordinate officer holding the rank of an ensign or second lieutenant being placed in command of a ship except under most extraordinary circumstances? There are gradations in the naval service as well as in the land service. When a cadet graduates from West Point he is not put in command of a regiment or a battalion or a brigade; he is put in command, perhaps, of a subdivision of a company. So it is in the naval service. I contend that these cadets can learn more, and be of more service to their country, and enjoy more of their own self-respect, and command the obedience of the men under them better when commissioned than when not commissioned.

Now, the argument advanced by the Senator from Ohio occurs to me to be potent in its strength, that these cadets are assigned to duty in case of emergency, and what is the difference between assigning a man to duty without a commission and with a commission except in favor of the latter hypothesis or contingency?

Undoubtedly, Mr. President, there have been importunities by the naval cadets who feel the sting of their situation, who feel their nondescript character after graduation. They have no office; they hold no commission; they are subject to all the responsibilities of an office without enjoying any of its perquisites. They have tuition enough in their three months' yearly cruise to learn all about ships and navigation. What more is required?

Mr. HALE. Will the Senator permit me to ask him a question?

Mr. CAFFERY. Certainly.

Mr. HALE. He speaks of the condition of the cadet in the last two years of his six years' course as being irksome, as something almost intolerable. Has any cadet in the last fifteen years entered the Naval Academy without knowing when he applied, when he took his examination and entered, that the law gave him a course of six years?

Mr. CAFFERY. Why, clearly not.

Mr. HALE. Then, if Congress has determined that two years of that service shall be upon the element where he is to have service and distinguish himself hereafter, why should he be burdened, why should it be irksome to him, to have two years of this course upon the sea when he entered the Academy with that deliberate compact with the Government that he will give those two years? I have heard the Senator's son referred to, and the Senator has just spoken of him. He entered the Academy on a six years' course, two years of which were to be upon the element on which he was to have service hereafter, not as a land sailor, but as a sea sailor. What right has he to complain that now he finds himself obliged to submit to a two years' course upon the sea and to say that he finds himself nowhere when he finds himself where the naval officer and naval cadet ought to find himself—upon the water?

Mr. CAFFERY. Mr. President, the analogy is not good. He has just as much right to complain as any citizen who contracts with reference to a law and afterwards seeks to have that law modified. Has not a citizen a perfect right to say, if the law requires ten years' prescription upon a promissory note, that that is a hardship for him and that the term ought to be reduced to five? The cadet enters into no compact when he enters the Naval Academy not to attempt to modify or repeal laws which work against his welfare and do no good to the country.

If it were purely a matter of personal convenience, Mr. President, I would not open my mouth, but it occurs to me that it is of no use whatever to the public service to require these two years' sea service. It occurs to me that it sends these cadets abroad over the earth in idleness and perhaps offers temptations to contract habits of dissipation. Why not put them in harness at once after they have passed the very severe and exact curriculum required at the Naval Academy?

Mr. TILLMAN. Do I understand the Senator to contend that the cadets are not under orders and are not subject to discipline of the very severest kind?

Mr. CAFFERY. I do not mean to say any such thing.

Mr. TILLMAN. Would there be any greater safety to their morals with their commissions in their pockets than without those commissions?

Mr. CAFFERY. If the cadets had a commission it would charge them with the responsibility that the commission implies. It would charge them with more loyalty, more fidelity to their rank as officers. It would give them employment of a certain kind, and now they have none that I know of.

Mr. HALE. Why not give them a commission, then, at the end of two years?

Mr. CAFFERY. Because that is not the requisite time; and again I recur to the question. Four years has been discovered by experience to be enough. Under the four years' term the United States has turned out the best naval commanders the world has ever seen. What is the objection to the four years' term?

Mr. HALE. Does the Senator say that that is so under the present construction of ships, with the complicated machinery, the absolutely new structure compared with thirty years ago? Does the Senator say that proves that four years is enough, when the service was then upon nothing but the old sailing vessel? Never since the introduction and the combination of steam engineering with the duty of the line officers has there been a course less than six years. The Senator is all wrong about that. We had nothing but sailing vessels under the old arrangement.

Mr. FORAKER. Will the Senator allow me?

Mr. CAFFERY. Yes, sir.

The PRESIDENT pro tempore. The Senator will suspend while the Chair lays before the Senate the unfinished business. It will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. HALE. I ask that the unfinished business be informally laid aside.

The PRESIDENT pro tempore. The Senator from Maine asks that the unfinished business be informally laid aside and that the Senate proceed with the consideration of the naval appropriation bill. The Chair hears no objection. The Senator from Louisiana [Mr. CAFFERY] is entitled to the floor.

Mr. FORAKER. Will the Senator allow me to ask the Senator from Maine a question in answer to the suggestion he has just made?

Mr. CAFFERY. Certainly.

Mr. FORAKER. Would he not get that same benefit of instruction and get it in the way of experience if he carried his commission that he gets without his commission?

Mr. HALE. No; that is precisely what is intended to be prevented; that he shall not be fastened upon the United States as an officer who can not be removed except by extreme measures until he has passed a course that fits him to command men upon modern ships. The moment that you get an officer with a commission in his pocket the period of his tutelage ceases, the incitement that he has to excellence and to preferment has all passed.

Mr. FORAKER. I will ask the Senator if the cadets who are now at sea under this two-year cruise arrangement are not most of them discharging the duties of junior officers?

Mr. HALE. By no means.

Mr. FORAKER. I am so informed.

Mr. HALE. By no means. They are temporarily assigned to certain places. I am glad the Senator has asked that question. I was intending to refer to it. Still I will not now interfere with the Senator who is on the floor. I will bring out that hereafter. I want to comment upon what these cadets do in the last two years.

Mr. FORAKER. Will the Senator from Louisiana allow me one moment further?

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Ohio?

Mr. CAFFERY. Certainly.

Mr. FORAKER. If the Senator will yield to me just a moment, I will read from the report of the Chief of the Bureau of Navigation, Navy Department, Bureau of Navigation, September 30, 1899, as follows:

The gunboat *Urdaneta*, Naval Cadet W. C. Wood in command, was destroyed at Orani, Orani River, Manila Bay, at some time between the 1st and 2d of September. The insurgents have reported her commanding officer killed. Most of her crew, whose names are as follows, are probably prisoners, though some may have been killed—

Giving a long list of them. I might read further from reports to show a number of the cadets of the same class wounded in battle, and how the cadets who were thus wounded were commended in general orders by their superior officers for bravery and coolness and the discretion they showed.

Mr. HALE. Undoubtedly. In time of war there will be isolated cases of that kind, but in long terms of peace, which I hope we shall have some day, the two years' service of the cadets are spent in receiving additional instruction and experience in sea service, not as commanding officers.

Mr. TILLMAN. Mr. President, with the permission of the Senator from Louisiana, I will illustrate the condition exactly. While the cadet is at Annapolis he illustrates that old piece of doggerel:

"Mother, may I go out to swim?"
"Yes, my darling daughter;
But hang your clothes on a hickory limb,
And don't go near the water."

[Laughter.]

Now, I want to put him in salt water—or on it—for two years and see that he can swim before we turn him loose as an officer with a commission, with the duty and authority to command one of these vessels.

Mr. CAFFERY. Mr. President, I think the cadets have plenty of time to learn to swim in the three months' cruise they make

annually in the four years. If they can not learn to swim in a year they never will. I suppose some of the constituents of the Senator from South Carolina on the high hills of Santee might learn how to swim in a horse trough, but the ordinary midshipman, or ensign, or whatever they call them—I do not know—I think ought to be able to learn how to swim in twelve months anyhow.

But, Mr. President, to revert—

Mr. TILLMAN. I did not think that the Senator would take my illustration seriously as applied to the mere matter of swimming by individuals. I was alluding to the statement of the man was to follow hereafter as an amphibious animal, or one who was capable of doing duty on shore or on shipboard. The Senator is usually so quick and alert, I did not suppose for a minute I should have to explain my allusion.

Mr. CAFFERY. I beg the Senator's pardon; I know he is always metaphorical, and as full of similes as the sea is of salt.

Now, Mr. President, to revert to the statement of the Senator from Maine. He says that the commission of a cadet deprives him of the ambition to get advancement which the absence of a commission gives him. Well, that is a piece of logic that I can not see through. I do not see how it is that the commission of a cadet as a subordinate naval officer does not add a stimulus to his ambition, and I do not see why in the subordinate capacity of an under officer on board a ship he can not learn as much, if not more, than a noncommissioned officer, with no capacity whatever as an official, sailing around for two years.

Mr. HALE. Of course, it is rather speculative; but I do not suppose there is any ambition so eager as the ambition of the student, the ambition of the undergraduate who is at all ambitious. I do not mean the drones and the shirks, but the bright, active boys. While after life is full of the ambition that attends any course or any profession that a man enters into, the ambition of the student, of the undergraduate in college or university, or at West Point or Annapolis, is what is needed to make him suitable to be accepted as an officer in the Navy. If you precipitate that commission, if you give it to him too early, you shut out from a certain portion of his tender years of studentship what he ought to have, and you do not get so good an officer in the end.

Mr. CAFFERY. I do not agree with the Senator on that point. These young men will average about 23 years of age, as you will see if you look at the list, and at that time if they are commissioned they are in the very height of their ambitious fervor.

Now, Mr. President, the Senator from Maine has stated that there is no comparison between the four years' service required when we had wooden ships and the six years' service required now, when we have iron ships. I should like to know whether there has not been as much improvement in land armament, in guns, and all equipment for the Army as there has been in the Navy? With the bare exception of the steamship itself, I believe that I do not hazard anything rash when I say that the improvements in guns and in military equipment are fully equal to the improvements in naval armament and equipment.

Mr. CHANDLER. Mr. President, will the Senator from Louisiana allow me a moment?

Mr. CAFFERY. And a four years' term being required at West Point, there is no reason why more than a four years' term should be required at Annapolis.

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from New Hampshire?

Mr. CAFFERY. Yes, sir.

Mr. CHANDLER. I only wish to answer the Senator's question by saying no. There has been improvement, of course, in war equipment applicable to both services, like ordnance and gunnery, but the cadet at West Point has to learn nothing about the hulls of the ship or the machinery of the ship. The battle ship of the Navy is a new creation. The cadet at West Point has to learn nothing about ships. The cadet at Annapolis has to substantially learn—

Mr. CAFFERY. I do not say that he has to learn anything about ships.

Mr. CHANDLER. One word. The cadet at Annapolis has to learn everything that the cadet at West Point has to learn and all about ships and modern machinery besides.

Mr. HALE. And the sea.

Mr. CAFFERY. Well, a knowledge of ships is best learned, in my opinion, by an officer on board in a subordinate capacity, with superior officers over him. That is my opinion about it. I do not give that opinion as an expert. I do not pretend to know anything about naval armaments. I do not pretend to have that sort of knowledge which is superior to that of the Superintendent of the Naval Academy.

I do not believe that the importunities which I hear of have had the slightest effect upon the minds of Senators. There is more importunity to get a private bill through this body than there has been in order to sustain the House bill in regard to these naval cadets. Nobody has importuned me, and I do not suppose there

is a Senator here who has been approached in the way of personal importunity in this matter.

But, Mr. President, while I am no apologist for the Navy, I do resent the statement that the naval officers of the United States are loafing around the city of Washington doing nothing. I have challenged the proof of the assignment of one single naval officer on land to any one single duty that was not imperatively necessary.

I say, Mr. President, that I believe it is a just and a wise régime for the Navy to pursue to have these men on shore investigating the matter of the very ships of which we have heard so much, learning the construction and the running of the machinery which is so important a part of the ships, and in attending to all the matters that require presence on shore. It is of as much importance as if they were sailing the ship itself. I can find no naval officer in this city who is a loafer or who is doing nothing. I find them up to their ears in business whenever I come in contact with them, and business absolutely necessary to the Department to which they belong.

I say that there is a deficiency of officers, as shown by the report of the Secretary of the Navy, and that the committee amendment itself in this regard does not fill this vacuum. There is a present need for these officers, and at the rate of graduation—about 40 or 43 a year—it will take over twelve years to fill up the void, and it will be filled gradually, not in a lump, as the Senator from Maine says. Forty-three or forty-four will come in every year to fill up this void of 697 officers.

I hope, Mr. President, that the Senate will vote down the Senate committee amendment.

The PRESIDENT pro tempore. Is the Senate ready for the question on agreeing to the amendment of the committee?

Mr. CAFFERY. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CHANDLER. Mr. President, I prefer not to trouble the waters any more than is necessary upon this question. I am not without a certain sympathy for the naval cadets who went upon the ships of the Navy during the war with Spain. I presume I shall be as willing as the Senator from Ohio to pay tribute to Naval Cadet Wood for his services; and if any special legislation were necessary for those young men who went out from the Academy and fought in the Spanish war, I should not be unwilling to consider it favorably.

But, Mr. President, that is not the present question. Two years have gone by. All of these young men substantially have obtained their commissions, or all of them will obtain their commissions on the 30th day of June of this year, and there is no need of our legislating for all time to come with reference to the special needs of any of those cadets, nor do I think that we should be influenced in our action upon this question by a consideration of the desires of the present cadets. There are a great number of them; there are probably, going on with the six years' course, three or four hundred young men. If the House provision becomes a law, they will all get their commissions, and those who are now at sea will get their commissions before they would otherwise receive them. They will get their commissions by act of Congress instead of coming home to be reexamined.

Mr. FORAKER. If the Senator will allow me—

Mr. CHANDLER. In a moment.

Those who are pursuing the undergraduate course know, if this House provision becomes a law, that by the passage of the bill they are to have their course shortened two years.

Does the Senator from Ohio want to ask me a question?

Mr. FORAKER. I do. I want to ask the Senator, for my own information, a question. He speaks of there being three or four hundred students at the Naval Academy. I presume that is true, but the average class is from 40 to 50, is it not? And are not the classes of 1898 and 1899 in the service?

Mr. CAFFERY. I want to read these figures to the Senator.

Mr. CHANDLER. If the Senator will wait a moment, I will yield to him. I want first to answer something the Senator from Ohio has said, and then I will cheerfully yield to the Senator from Louisiana.

Mr. CAFFERY. Very well.

Mr. CHANDLER. According to the law, pursuing the six years' course, there can be 366 cadets.

Mr. FORAKER. In the Academy at one time?

Mr. CHANDLER. Pursuing the six years' course there can be 366 cadets, but the casualties that happen from time to time are so many that I presume there are not often more than 300 cadets pursuing that course.

Now I will yield to the Senator from Louisiana to state the exact numbers.

Mr. FORAKER. I wanted to know how many cadets there were in the class of 1898 and how many in the class of 1899. They are the only two classes who are yet without commissions, I suppose.

Mr. CAFFERY. In 1898, 39 passed, and in 1899, 53 passed.

Mr. FORAKER. And quite a number of those were killed and wounded.

Mr. CAFFERY. In 1897, 47 were graduated.

Mr. TILLMAN. With the permission of the Senator from New Hampshire, I will say that it has leaked to my ears by some means—I do not know where I got it, except, perhaps, by contact—

Mr. CHANDLER. By contact.

Mr. TILLMAN. That the examinations hitherto looked to allowing so many to get through as there were places for. In other words, the examining boards examined these boys with the view to only permitting as many to pass as would meet the necessities of the service.

Mr. FORAKER. I understand there are about 600 places now.

Mr. TILLMAN. Only 53 were passed in 1899, and 39 in 1898.

The PRESIDENT pro tempore. The Senator from New Hampshire [Mr. CHANDLER] has the floor.

Mr. HALE. Mr. President—

Mr. CHANDLER. I will now yield to the Senator from Maine.

Mr. HALE. I was going to say, to settle the question, that I have the last Naval Register, which shows that the two classes which have been referred to, who would by the House bill be put at once in the service, number 91.

Mr. FORAKER. Yes; but the first of those will be commissioned anyhow in June, I suppose. They will be entitled to commissions if they graduated in 1898. So there is not any very great addition. There is nothing like the three or four hundred which have been named.

Mr. HALE. Not all at once.

Mr. FORAKER. No; nothing like so many as the remarks of the Senator from New Hampshire would lead us to believe.

Mr. CHANDLER. I said there were probably 300 or 400 going on with the six years' course.

Mr. FORAKER. I should be very glad if the Senator would give the exact numbers.

Mr. CHANDLER. Three or four hundred in all.

Mr. FORAKER. In the Academy. What I wanted to call attention to was that this would not do anything more than to commission two years in advance, less than 100 cadets.

Mr. CHANDLER. My reply to that is twofold. It will not only commission somewhat in advance the two classes, but it will shorten the term of every one of the cadets who is fulfilling his four years' course.

Mr. TURLEY. Will the Senator from New Hampshire yield to me for a question?

Mr. CHANDLER. Certainly.

Mr. TURLEY. I see that in 1893, according to the figures the Senator from Louisiana [Mr. CAFFERY] presented, there were 39 who passed the examination at the end of four years. Then, I understand, those 39 go on sea service for two years, and are examined at the end of it, before there is any commission given them?

Mr. CHANDLER. Yes, sir; and they might drop down to 35.

Mr. TURLEY. I want to ask what proportion of those students who passed the four years' examination failed to pass the second examination after the end of the two years' additional sea service?

Mr. CHANDLER. Almost none. There may be casualties by death, or they may conclude that they do not want to remain in the Navy, but almost never does a cadet who passes the examination at the end of four years fail to pass at the end of six years.

Mr. TURLEY. I want to ask, then, Why is there any objection to giving them their commissions at the end of four years? The argument is that it might fasten on the Government inefficient officers; but if all who pass the examination at the end of four years, as the experience of the school shows, will also pass at the end of the additional two years, why, then, is there any objection to granting them their commissions at the end of four years?

Mr. CHANDLER. That is a fair question, and I will stop what I was about to say and answer it. How long you want the period for the probation of naval cadets is an important question. It is a question of how long you want them under the stimulus which comes to the student who is uncertain whether he is going to get his place in the Navy, or how soon you want to give him his commission which makes him a naval officer for life. The theory which I advocate, and the present theory of the statute, is that these cadets should be students; that they should be undergraduates; that they should be naval cadets, seeking to get their commissions in the Navy after six years, instead of four years. If that is a sound theory, we are right; and if it is an unsound theory, we are wrong.

Now, I want to get back to the inquiry made by the Senator from Ohio.

Mr. FORAKER. Inasmuch as the Senator has already been interrupted, I ask if he can tell us how many commissioned officers there are on a first-class battle ship when its complement is full?

Mr. CHANDLER. I do not know. The Senator can find a

table showing the complement for the ships, and perhaps the Senator has a copy of it now.

Mr. PERKINS. I will state to the Senator that Senate Document No. 168 gives all this information—the number of officers, their different grades, and how they are apportioned to the different ships.

Mr. FORAKER. Can the Senator tell me how many there should be to a first-class battle ship?

Mr. PERKINS. Of officers?

Mr. FORAKER. Yes, of commissioned officers who will be superior in rank to the naval cadets.

Mr. CHANDLER. I guess twenty or thirty.

Mr. FORAKER. Who will be superior in rank to these cadets?

Mr. CHANDLER. Twenty or thirty.

Mr. PERKINS. Including the Engineer Corps, the number would be about sixty or seventy.

Mr. CHANDLER. There would not be any commissioned officer inferior to the cadet.

Mr. FORAKER. He is the lowest officer in rank necessarily.

Mr. CHANDLER. Certainly; there are twenty or thirty superior to him in rank.

Mr. President, now I should like to get on, because otherwise I will be forgetting the statement I was going to make.

If the Senator from Ohio will honor me with his attention, I will say that as to the classes at the Naval Academy, of course the number of those who are performing service at sea is smaller than those at the Academy; that as vacancies take place they are filled; and when there are many casualties in a class, the first class will sometimes be very large and sometimes have as many as a hundred members. I have known a first class to have more than 100, as there are sometimes more than 100 at West Point, but the classes gradually diminish.

The simple statement that I tried to make some fifteen minutes ago was that there are about 300 cadets at the Naval Academy—I will put it at 300; the Senator from Ohio may find out exactly how many from the Senator from Louisiana [Mr. CAFFERY]; it is immaterial to my argument—but here are about 300 cadets now at the Academy engaged in their six years' course, every one of whom is to have his term cut short if this bill passes.

Moreover, Mr. President, when this bill passes, and these commissions are suddenly given to so many of these cadets, there will be vacancies from the Congressional districts two years sooner than would otherwise be the case. So for every one of these cadets, now anxious to get prematurely into the Navy by reason of this alteration in the law requiring a six years' course, there is a member of the House of Representatives waiting to appoint a successor and probably being importuned to appoint a successor.

Mr. LINDSAY. I will ask the Senator, with his permission, if the amendment does not propose to do that identical thing?

Mr. CAFFERY. The same thing.

Mr. LINDSAY. The identical thing which the Senator says will come about if the amendment be not adopted?

Mr. CHANDLER. Yes; as to the Representatives in Congress, I will speak in a moment of the concession which the Senate committee have made in their amendment, which, however, is not made, I will say to the Senator from Kentucky, as a concession to the members of the other House or as a concession to anyone who desires to get into the Academy, but is made as a concession to the supposed needs of the naval service.

That is the reason we make that concession. But, Mr. President, the fact remains that, as to the legislation, as it came from the House of Representatives, we have 300 cadets pressing their Senators and their Representatives to secure this legislation in order that they may get final graduation at the Naval Academy in advance of the time when they would graduate according to existing law. I do not think we ought to be hurried by these importunities. I cast no imputation upon Senators or members of the House of Representatives; but I do call attention to the fact that that is the pressure that is behind this bill, and there is some danger that both Representatives and Senators will be influenced by the desires of these men rather than by their convictions of duty as to the real question at issue.

Now, Mr. President, coming to that real question at issue, it is not a question of to-day or to-morrow, it is not a question as to any cadets who served in the Spanish war, but it is a question whether we ought to have a four or a six years' probationary course before these cadets enter the naval service.

The naval service is a high and honorable career; it is also a well-paid career; and when these cadets get their commissions as naval officers, as ensigns in the Navy, they are taken into the service of this Government for life, and they can not be got rid of except by a court-martial. Does the Senator from Louisiana know the pay of a retired rear-admiral in the Navy? Mr. President, it is \$5,500. These naval officers begin upon liberal pay—the highest pay that is given by any government on earth. They go on by degrees upon a liberal pay table. When they

become 62 years of age they are retired; and if they are of the rank of rear-admiral they receive \$5,500 a year during their whole lives.

Mr. FORAKER. Mr. President—

Mr. CHANDLER. If the Senator wants to ask me a question I will listen to it; but if he wants to make an argument I shall have to decline to be interrupted at this point.

Mr. FORAKER. I want to ask a question of the Senator. I want to ask the Senator if it is not true when they start on this upward grade from one rank to another until they become admirals, as most of them expect to become, they are not required to pass examinations as they go from rank to rank?

Mr. CHANDLER. From step to step, Mr. President. There is the point. They have received their commissions; and the tendency of the boards that make the examinations is, of course, to grant promotions. An officer of the Navy must be very delinquent in some respects, or he will go on step by step until he reaches the highest grade. Very few officers are examined out when they are examined for promotion.

Mr. LINDSAY. I will ask the Senator, if he will permit me, whether if the House bill be adhered to we will retire any more rear-admirals than we will retire if the Senate amendment be adopted?

Mr. CHANDLER. I do not see the pertinency of that inquiry, but I will say I suppose not. I was only showing the high privilege, the great honor, and the great emoluments that may come to these young boys when they get their commissions in the Navy; and the question for Senators is this: What shall be the probationary term? How long shall these young men be students; and when shall they cease to be students and become officers in the Navy?

Mr. President, the experience of the last twenty-five years has shown that the course should be six years. Undoubtedly in their haste to fill up the Navy with new officers to officer the new ships that are being constructed, the Secretary of the Navy, the Assistant Secretary of the Navy, and the naval officers will ask for more cadets. You may expect, Mr. President, that the advice from the Department and from the naval officers will be in the direction of aggrandizement, in the direction of increase, of increased ships, increased armament, increased men, and increased expenses. They are glad to do these things; and they are on that side; but the question of what shall be done in the interest of the nation is here with us to-day.

I now call attention to the fact which has been alluded to in the debate as a matter which I think Senators ought to consider, that while we have had a six years' course during the last thirty years, and have been obliged—

Mr. CAFFERY. Will the Senator allow me to ask him whether the six years' course was not adopted because there were more officers than there were ships, and not because it was thought to be absolutely necessary to the service?

Mr. CHANDLER. I think the six years' course was adopted—it is an impression merely—for the reason I am now stating to the Senate, because it was found that the six years' course was as necessary to make a good naval officer as a four years' course was necessary to make a good Army officer. That is the reason why, I think, the change was made; and we have been going on for thirty years with a six years' course.

Mr. CAFFERY. Will the Senator permit me to ask him whether the four years' course has turned out inefficient naval officers?

Mr. CHANDLER. How can I answer that? How can I say, and how can the Senator say, but what if there had been a six years' course for forty years before that time we would not have had a better naval service because we had a six years' term of probation than we had with a four years' term of probation? It can not be stated with any absolute certainty that if we were to have a two years' course and commission these boys at the end of two years we would not have as good naval officers as we have with a six years' course. In all human probability we would not have, but it can not be stated with any certainty. I am not going to cast aspersions upon naval officers by suggesting that they are not as good as they might have been.

Mr. TILLMAN. Will the Senator allow me to make a suggestion?

Mr. CHANDLER. Certainly.

Mr. TILLMAN. It has been found, I believe, that it takes four years to educate a man simply to train his mind; and then, if he wants to enter a profession, he has to study for two or three years in addition somewhere to make him a lawyer, or to make him a physician, or to make him anything that would amount to much in the world; and here is a profession which requires the very highest possible talent, and you want to put men into it and start them out with such a lack of preparation as would endanger the public property and the lives of the men who are on the ships. I really can not see any reason for it.

Mr. CAFFERY. Will the Senator from South Carolina permit me to ask him a question?

Mr. TILLMAN. I will answer with pleasure, if the Senator from New Hampshire, who has the floor, will permit me.

Mr. CAFFERY. Will the Senator from New Hampshire permit me to ask the Senator from South Carolina a question?

Mr. CHANDLER. I do not like to do so; but I will.

Mr. CAFFERY. I want to know whether before a cadet can gain entrance into the Naval Academy he is not required to be well up in all the rudimentary elements of education and to be pretty well versed in all practical matters?

Mr. TILLMAN. I understand that the examination for entrance to the Academy at Annapolis is pretty severe; but it does not follow because of the weeding-out process before the boy gets in that it is necessary or desirable that the continuation of his training shall not go on to that point which will insure an absolutely competent naval officer.

Mr. CHANDLER. Now, Mr. President, I will start again. I say that the proposition now is made by Senators that just at a time when we have united the Engineer Corps with the line, when we have abolished the distinction between the two classes of officers, and required every cadet at the Naval Academy to study steam engineering, so as to come out of the Academy and go into the service as a competent engineer officer in the Navy, capable not only of running ships, but of designing ships as well—just at the time, within a year, when we have done that thing it is proposed to shorten the term of probation by two years.

It seems to me, with all due deference to the views of Senators, that it would be the height of folly to do that thing. I wonder that the Senator from Ohio [Mr. FORAKER] does not get up again and ask me the question whether they could not do all these things just as well if they were commissioned at the end of a four years' term as they do now under the six years' course. Possibly they could, and possibly they could not. The question is one of instruction; the question is one of probation; the question is what we shall make these young men study and learn to do before they join the life aristocracy of the Navy. That is the question.

Mr. President, having gone on for thirty years, when there were two branches of study, when the cadets were divided and we had for a time cadet engineers, and when we have rolled these two branches into one, it is now proposed to shorten the probationary term and give these young men their commissions at the end of four years, requiring them to pass their examinations at the end of four years for final examinations for admission into the Navy. I say that it would be a great public mistake and injury. It would be an injury to the Naval Academy and an injury to the Navy. If there is any one conviction I have about the Navy—and I do not think I am dogmatic or too insistent about any notion of mine in connection with the Navy—if there is any one idea I have as to the peril to the Navy, it is in connection with this proposition to shorten the course from six years to four years, and allow these boys to realize that if they can manage to get through their four years' course of studies at the Academy they can have their life commissions in the Navy.

They do not go to sea very much. The Senator from Louisiana [Mr. CAFFERY] says that they get sea service enough while they are at the Academy. They do not. If they get all that they ought to get by going in May instead of in September, they get three cruises, I think not of three months each, but perhaps of six weeks each. They get three cruises, formerly in a sailing ship, but now, I think, there is a steam vessel in which they go out and take these cruises. But that is all the connection they have with the element upon which they are to perform their life service for the Government.

Again, Mr. President, Senators overlook the fact that the cadets go to Annapolis on an average two years younger than cadets go to West Point. The age for going to West Point is from 17 to 23, and the age for admission to Annapolis is from 15 to 21. The naval cadets are younger. Look at them when they are drawn up in line and you can see the difference in age between the West Point cadets and the naval cadets.

Mr. HALE. They are admitted to the Naval Academy between 15 and 20.

Mr. CHANDLER. Then the figures have been changed, because we formerly allowed them to enter as old as 21. But the difference between 15 to 20 and 17 to 23 is intended to recognize just this very difference that I speak of as to the subjects that are to be mastered by these cadets before they get their final admission to the Navy. They are a younger set, and they are expected, and have been from time immemorial, to undergo while in the condition of pupillage a longer and more varied experience than the cadets at West Point.

As has been said here in this debate by the junior Senator from Massachusetts [Mr. LODGE], the old midshipman studied a long time upon his ship before he received his commission. In those

days boys were put upon the ocean at 6 and 7 years of age. I think the greatest of our old admirals all went on shipboard under 10 years of age. I know Admiral Porter did, and I presume Farragut did. They all went at a very early age upon the ocean, and there they learned about all they had to learn, and that was the knowledge of a sailing ship.

In time we came to have steam vessels and steam machinery, and it became necessary for naval officers to know something about steam machinery. Realizing that fact, Congress very wisely provided that the term of instruction at the Naval Academy should be prolonged in order that the cadets there might study steam machinery.

Mr. TILLMAN. Mr. President—

Mr. CHANDLER. And now, as I have said already, at a time when all the cadets are compelled to study steam machinery, it is proposed to shorten the course from six years to four years.

Mr. TILLMAN. I will direct the Senator's attention to the fact that, in addition to studying steam engineering, electrical engineering is now as much a part, and as necessary a part, of the knowledge which they must master, and it is just as complicated, or more so, than steam engineering; and yet you expect them to master both in four years and be ready to go out and handle ships. I do not say the Senator from New Hampshire does, but I mean some of our other friends here.

Mr. CHANDLER. The Senator may treat me as representing them for the time being.

Mr. President, I can not illustrate the objections to this strong attempt to shorten the course of the Naval Academy, which I believe will be injurious to the Navy and to the best interests of the Government. I have it very much at heart that this thing shall not be done, because I know that as the years progress we shall either get inferior officers or we shall lengthen the course again. It is comparatively easy to keep an inferior cadet out of the Navy by examinations before his admission. It is absolutely impossible to get out of the Navy an inferior officer when he once gets into it. I repeat, that the examinations for promotions do not purge the Navy of inferior men, and it is the duty of the Senate to maintain these laws so strict that we shall be sure when we do take one of these young men into the service of the Government for life that we get a superior and not an ordinary or inferior man.

Mr. CAFFERY. Will the Senator permit me?

Mr. CHANDLER. Certainly.

Mr. CAFFERY. Did I understand the Senator to say that the examinations do not keep the Navy clear of inferior officers? My hearing is a little bad, but I understood him to say that once an officer got in you can not get him out.

Mr. CHANDLER. Never.

Mr. CAFFERY. And the examinations do not guard against that?

Mr. CHANDLER. No, sir.

Mr. CAFFERY. Then, if the examinations are useless, why do you want this two years' course?

Mr. CHANDLER. They all pass. So long as they are scholars at school, paid by the Government \$500 a year to go there and be educated, we can send them back to their homes without injustice, if they are inferior, if they do not pass their examinations; but when they get the naval commission for life, which, if they hold on to it, will give them retired pay of \$5,500 a year after they are 62 years of age; it is almost impossible to get a naval officer out, and it is almost never done. The time to put the bars up is in the beginning. The time to secure strong and able and educated naval officers is during the six years' course; and if you fix the time at the end of four years, you might about as well fix it at the end of two years. You might about as well commission them in the Navy when they go down there and begin their studies.

Out of a concession to the supposed requirements of the Navy for more officers, the Committee on Naval Affairs of the Senate have recommended a clause in this bill which practically increases the number of cadets, and to the same extent increases the number of graduates, one-third. As the law now stands there will be 356 cadets, representing the Congressional districts, and 10 appointed by the President undergoing the six years' course. Under the amendment of the committee there will be 366 cadets at the Academy if the places are kept full. In other words, the classes will be 360. The classes at the Academy, if the places are kept full, can be 90. Each class may be 90 at all times. Under the present law the classes could not be more than 60 at all times. That is a fair and reasonable arrangement. It will gradually fill up the vacancies in the Navy and will satisfy, as it seems to me, every reasonable requirement of the service.

Mr. TILLMAN. Mr. President, I simply wish to put in the RECORD for the information of the Senate a table which shows where some of the 600 officers on shore are at work and what they are doing. In a letter, dated April 23, from the Secretary of the Navy, in reply to a resolution offered by the Senator from New Hampshire, calling for this information, I find the following:

Commissioned officers on duty at each navy-yard and naval station in the United States during the month of March, etc.

Navy-yard or station.	Commissioned officers on duty during the month of March.	Number of foremen, quartermen, leadingmen, and other men in charge, clerks, special laborers, etc., for same period.	Number of mechanics, laborers, and other workmen, for same period.	Total amount paid for these embraced in two preceding columns.	Number of vessels at station undergoing repairs.
NAVY-YARDS.					
Washington	28	388	1,727	\$140,634.18	2
League Island	72	206	685	54,321.18	3
New York	75	386	2,559	193,328.15	13
Boston	50	185	1,566	106,065.05	6
Portsmouth	15	88	558	36,340.63	3
Norfolk	48	269	2,105	143,841.73	8
Mare Island	54	300	1,263	111,483.24	18
Pensacola	9	13	181	6,151.55
NAVAL STATIONS.					
Port Royal	7	35	155	8,015.45	8
Key West	2	13	60	3,649.54	3
New London	1	1	5	382.98
Puget Sound	6	14	99	6,919.72
TRAINING STATIONS.					
Newport	17	3	18	871.33
San Francisco	11	2	7	761.20
Total	395	1,903	10,988	812,735.93	64

There are still two hundred and odd unaccounted for. I presume they are in the Navy Department. Senators may judge whether 72 officers, for instance, can be profitably or usefully employed at League Island, or whether 75 are necessary at New York, or whether the exigencies of fashionable life and the desire for social enjoyment have no influence in locating these men.

Mr. LINDSAY. Mr. President, whether these officers who are not at sea are legitimately and properly employed, I am not prepared to say. I take it for granted that they are, however. But if the amendment proposed by the Committee on Naval Affairs be adopted, these officers will remain just where they are. This bill contains no suggestion that any different assignment be made of any officer in the Navy.

Mr. TILLMAN. Will the Senator allow an interruption?

Mr. LINDSAY. Certainly.

Mr. TILLMAN. The question of assigning officers is left entirely to the Secretary and his subordinates. It has never been considered necessary by Congress to take these officers by the nape of the neck, so to speak, and issue special orders by legislation as to whether they will do their duty or not. It is taken for granted that if the service requires that officers shall not be assigned to sea, they will not be assigned, and we have so considered.

Mr. LINDSAY. Then, if there is no change made in the law, and no new regulation adopted or suggested, I submit that the argument based upon the fact that these officers are on duty on land instead of on sea is not a legitimate argument in favor of the proposed amendment, any more than the suggestion that if the amendment be not adopted in the course of a few years we will have what gentlemen call a hump, when the Senator from New Hampshire admits that which is patently true, that the adoption of the amendment proposed by the Committee on Naval Affairs will educate just as many young men for the Navy as though the bill be passed and sent over to the House of Representatives.

Mr. TILLMAN. The strong argument and almost the only argument that has had any weight with me coming from the side of those who want to reinstate the House provision is that there is now a dearth of officers, that we have not enough, and we have shown you what those we have are doing and indicated as plainly as language can, so far as my words are concerned, that we have got enough for our present uses, and that the point that we need more and must therefore graduate men in four years instead of six years is not well taken.

Mr. LINDSAY. If that be true, why does the Senate amendment include a provision to increase the number of cadets at Annapolis just as they would be increased if the bill be passed as the House sent it here?

Mr. TILLMAN. I will be pleased to answer that if the Senator will permit me.

Mr. LINDSAY. Certainly.

Mr. TILLMAN. It is because this bill and the two preceding

bills carry with them provisions for the construction of 8 battle ships, of 6 first-class cruisers, of 6 second-class cruisers, of 4 coast-defense monitors, and if those ships are built, as we hope they will be within the next five or six years, we certainly ought to be preparing in the meantime for officers to man them when we get them.

Mr. LINDSAY. I agree to that. That is just exactly what the House bill provides for, and the House bill is attacked because it does do it, and an amendment is offered that does identically the same thing. So that is not a legitimate argument.

Mr. TILLMAN. The Senator wants to get the officers before we get the ships. We want to get the ships and not the officers before we provide for them. Therefore we increase the number of cadets, so as to have the increase of the officers keep pace with the increase of vessels.

Mr. LINDSAY. We will not get officers before we get the ships. We are short now five or six hundred officers on the ships we have, and if the House bill be passed the two classes of 1898 and 1899 will be commissioned at once, and the two together will not make a hundred officers, or one-sixth of the number we need for actual service now.

Now, one of those classes will be commissioned this year anyway, so that the only change that will be made will be that the graduating class for this year will be commissioned as officers instead of being required to serve out the two years. So all these arguments cut their own throats. There is not one of them that is legitimate. There is not one of them that touches the real question at issue.

The Senator from New Hampshire stated the real question, and that is whether or not the good of the service requires a six years' course instead of a four years' course. If I believed that the good of the service required a six years' course, I would agree with the Senator from New Hampshire; but experience does not teach that a six years' course is at all essential to the qualification of the officers turned out from the Naval Academy. It is true that when the Academy was first established they had wooden ships.

It is true that some years after the close of the civil war, which was practically fought out with wooden ships, we adopted the six years' instead of the four years' course. The steel ships, the modern gunnery, the electrical appliances, all of which are now in use, have rendered the service far more complicated than it once was. But who took command of our ships when these improvements were perfected as far as they have been perfected? Who commanded them in the Pacific or in the Gulf of Mexico? Who demonstrated the fact that a steel ship with modern gunnery is a practical engine in naval warfare? Every one of the commanding officers was a man who graduated at the end of four years at the Naval Academy. Not one of them took the two years that is now regarded as indispensable to the education of a naval officer.

Mr. FORAKER. They never knew anything but wooden ships.

Mr. LINDSAY. Many of them have never known anything but wooden ships. The idea that an officer's career as a student ceases when he leaves the Academy is a mistake. The naval officer is a student every day of his life, so long as he is in the service, and when the young man leaves the Academy and goes aboard the ship, whether he carries with him a commission or not, whether we call him a midshipman or a cadet, he is still a student, and he remains a student so long as he remains in the service.

Would Nelson have made a greater admiral if when he became a midshipman at 13 he had gone aboard the ship as a cadet and served two or three or five years before he got his commission? The question is what would Nelson do when he went aboard ship? He went aboard a student, and he was as much a student as a commissioned officer as if he had been a cadet as we call it.

The Senator says he can not undertake to say that our officers who have made our Navy famous would have been better officers if they had served six years; that he can not undertake to say that those who have made our Navy famous are worse officers than they would have been if they had served the six years instead of having been commissioned as midshipmen at the end of four. So this is a question that can not be settled except by one test, and that is the test of experience. Now let us see who commanded during the last war. Who demonstrated the fact that steel ships could be used in naval warfare? Dewey and Watson and Sampson and Schley and Gridley and Clark, in fact, every man who was old enough to act as captain of one of our men-of-war had graduated at the end of four years and went to sea with his commission in his pocket.

Mr. TILLMAN. Will the Senator allow me to make a statement there?

Mr. LINDSAY. Certainly.

Mr. TILLMAN. Those men, when they graduated and went to sea, went on simple ships as compared with the present ships, and if they continued at school, as I dare say they did, they had the opportunity to study and evolve out of their studies a knowledge as well as an experience which enabled them to construct

the new Navy and to command it after it was built, which any young man if he goes on board this complicated machine can not get and will not; and it would be dangerous for us to risk it.

Mr. LINDSAY. These distinguished officers—

Mr. CHANDLER. I wish to say a word to the Senator right here. Every one of those distinguished officers, if the Senator will converse with him, will admit that he did not know as much about steam machinery as he would like to have known, and ought to have known, if the conditions under which he obtained his naval education would have permitted it. Within the last year we require every naval cadet to know vastly more about steam machinery than those distinguished officers did who commanded these ships so successfully. Why shorten the term of probation under those circumstances?

Mr. LINDSAY. If we keep them six years they will not know so much about gunnery; they will not know so much about navigation as they ought to know. But the great thing with our naval officers is that they have grown with the necessities for their growth. They have shown themselves equal to the mastery of science as science developed itself. Now, why will not the young fellows who are leaving Annapolis pursue the same course and achieve the same greatness and accomplish the same ends that these men who left Annapolis thirty years or forty years ago accomplished? Of course, to take a cadet and commission him as a midshipman and put him in command of the *Oregon* would be a piece of preposterous folly, but he will not be given the command of the *Oregon* or the *Kearsarge* or any other of our great battle ships. He will be assigned to the command of a gun. He will be put in charge of a boat. He will commence at the bottom, and he will be under the tutelage of twenty or thirty superior officers, all of whom have the advantage of education and experience.

Mr. FORAKER. If the Senator will allow me there, I will say that the statistics I have show that the number of officers who would be over him on the *Oregon* is 32.

Mr. LINDSAY. Thirty-two superior officers to the midshipman, and he will perform identically the same duty he would perform if you called him a cadet.

The Senator from New Hampshire says that if this proposition applied only to the young men who served in the Spanish war he would not object to it. Last year the Senate amended the bill so that it did apply to the young men who actually served in the Spanish war, and when the Naval Committee got the bill into conference it struck it out.

Mr. CHANDLER. Will the Senator allow me a word here?

Mr. LINDSAY. Certainly.

Mr. CHANDLER. I did not say that I would not object to this proposition if it affected only the officers of the war. I said I had sympathy for those officers, and I had a year ago. I was not willing and am not now willing to reduce the course from six years to four years through all time merely to help a few naval cadets.

Mr. LINDSAY. I understood that, but I did understand the Senator to say, further, that if it included none other he would not object to it.

Mr. CHANDLER. No; I said a special provision for some of these young men I would not object to.

Mr. LINDSAY. But you did object last year to that identical special provision, and it was taken out of the bill in conference after the Senate had put it in on the floor.

So experience teaches, if success is the test of merit of any course, that four years is enough, and if the young men will remain students they will be taught as much and will become as efficient if they are commissioned at the end of four years as if commissioned at the end of six.

We are struck with rather an anomalous presentation of the influence that ought not to be exerted on the Senate of the United States by the Department of Naval Affairs. We are told it does not make any difference what the Secretary of the Navy or the Assistant Secretary or Admiral Crowninshield or any other officer connected with the Navy Department may recommend, we ought to reject it. Of course, Congress ought not to be controlled in its action by the dictates of any Department of the Government; but we are not all seamen here, as is the Naval Committee. We have not all served our six years at the Naval Academy or somewhere else that makes us superior in our knowledge of naval affairs to those graduated at the Naval Academy. So when we come to take advice, when we come to hear reasons, when we want to get the facts, we naturally turn our attention to the naval officers, we naturally turn our attention to the Navy Department, we naturally listen to the advice of such a man as Admiral Crowninshield and those charged with the duty of administering the affairs of the Navy in order for the enlightenment of our own judgment.

The House is convinced, the Navy Department is convinced, every superior officer of the Navy from whom we have heard is convinced that this last two years ought not to be added to the term of probation. Yet the Naval Committee insist that we shall reject everybody's opinion, we shall turn our back on everybody's

advice, we shall close our eyes to the lessons of experience, and that we shall accept their views as superior to the views of all other people combined.

Mr. STEWART. Mr. President, I have not been convinced by this debate that we ought to change the system that has produced such remarkably good results in the Navy as shown during the last two or three years. Nor am I convinced that the ardor of the young man would be dampened or that he would be discouraged after he had been successful at Annapolis if he should get his recognition in the regular way, as they have been in the habit of getting it before.

There can be no possible doubt but that he will be a student for many years, if he ever expects to be successful. His success depends upon the proper administration of the service, and I believe we have a pretty good administration in the Navy Department, because results are the best proof. He can not be advanced except on examination—each time slowly. He can not reach the top of the ladder unless he continues to be an effective, honest student. That is the rule. I have no doubt that the older officers in the administration can take care of the boys until they get them educated up so that we can give them another advance. They have been doing it and have been remarkably successful, and I am one of those who are willing to let well enough alone when I see it progressing in that way.

Besides, I think it would be well in these matters to have the reorganization of both the Army and the Navy in separate bills, so that they can be discussed and considered, and while we do not pay absolute attention to the advice of the Department, I always like to have their views upon a question immediately within their jurisdiction and which they are administering daily. I like to have experience and views. I think in reorganizing and making radical changes in the Army or the Navy it ought to be done upon separate bills, and we ought to have reports from the Departments upon the proposed changes.

I have not heard it suggested that bad results have heretofore occurred. We are handling this new machinery now. Our officers have not found any difficulty. I believe we have the best naval officers in the world. Their education at Annapolis qualifies them for the new duties that are devolving upon them, and they are the best equipped in the world, I have no doubt. That being the case, and there being no recommendation from the Department, I shall vote against the change.

Mr. HALE. Mr. President, I am very desirous of seeing the bill finished to-night, if possible, and so I shall take very little time in discussing this proposition.

The committee could have had nothing whatever in view except the good of the Navy. The committee has no object as a committee. Its business, as an organ of the Senate, is to propose legislation that is beneficent for the service. This committee is importuned as others are importuned. I have been urged in this case, and every other Senator has, by bright young fellows and their friends, who say they want commissions at the end of four years, and that it is hard that they should not have them.

I do not blame them. I do not blame them for wanting that important documentary paper from the Government which establishes them for life as officers of the Navy. I would have been inclined, in the spirit of kindness and of yielding to friends, which is always pleasant to do, to give them this, and the committee would have been so inclined, because it is not outside of what is called the sphere of influence by any means. The committee would have been inclined to have given these cadets that; but looking over the record of the past and at the present condition and the prospect for the future, the committee was unanimous against this proposition.

Mr. GALLINGER. Will the Senator permit me a question? I am not versed in naval matters at all, and I am one of the Senators who has not been importuned. No boy in the Naval Academy and no one outside has asked me to vote for or against this proposition. I wish to ask the Senator if this proposition is a departure from the former rule? In other words, were these boys at some former time commissioned at the end of the four years' term?

Mr. HALE. Undoubtedly; and when the new scheme for complicated ships came in—

Mr. TILLMAN. It was thirty years ago that the change took place.

Mr. HALE. And when the studies were made complex, more advanced, and the duties much more important, then it was deemed proper and wise to establish a six years' course.

Now, Mr. President, a great deal has been said to the effect that the additional two years is nothing but a sea course. It is mainly a sea course.

Mr. GALLINGER. They had a four years' course before.

Mr. HALE. They had a four years' course, but then it was decided to have a six years' course, owing to the more complex duties and studies.

There is no provision in the law that these last two years shall be nothing but a sea course. The language is that the academic

"course for cadet midshipmen shall be four years." I have here the Naval Register, which under this classification says:

Naval cadets who have passed the requisite academic course or are now performing two years' service at sea or pursuing special studies prior to final graduation.

That is in the charge and control of the faculty. Any student who can not quite graduate at the end of four years and get his commission through any of these two years may be put upon special instruction, so that at the end of six years he may be able to graduate. It is all for the purpose not only of giving additional time for sea service but for anything else in which the cadet is deficient.

Now, as showing the importance of sea service, in the same statute which provided, as I have read, for the academic course of the line officers there is this provision as to engineers, at that time a minor corps with smaller studies needed:

The course for cadet engineers shall be four years, including two years of service on naval steamers.

When that was enacted thirty years ago for the engineers—Mr. FORAKER. Will the Senator from Maine give me the date of that act?

Mr. HALE. That is in the Revised Statutes, section 1524. The engineers being a minor grade, having nothing to command whatever, having nothing to do with responsibility attached, it was declared that even they should not receive any commission until they had given two years of sea service.

Mr. President, an examination of all the statutes and of everything goes to show the importance of the length of this course.

There is another thing that has been referred to by the Senator from New Hampshire [Mr. CHANDLER] which is important, because Senators have been wont to ask in this debate, "Why should there not be four years for the Navy as well as the Army?" The Senator from New Hampshire has explained that well. The service is not the same. There is no particular element that a cadet at West Point has got to study and practice in and indurate himself upon. There is no particular structure that he is called upon to know, root and branch. A naval graduate is called upon to know every ship from a battle ship to a cruiser, protected or armored, down to the lower class of ships. A West Point cadet comes out of the course on land. He goes to land service. He goes to just the service that he has been trained in. If it was a special service, he would be obliged to have an additional two years.

Besides, Mr. President, when the naval cadet graduates at the end of his six years he is only just as old as the West Point cadet is when he graduates from that institution. They enter at tender years. That is one of the things that has been granted to the Naval Academy. They are boys 15 years old when they enter, and from that to 20 or 21. They are not like West Point cadets, who start at 17. Everybody knows how it is. The tender, unpracticed youth at 15 becomes hardened by 17, and you have got a man when he graduates from West Point, just as you have a man at the end of six years when the cadet graduates from Annapolis. Senators must bear this in mind.

Now, Mr. President, the committee, in considering this amendment, connected it by its very terms with another important matter. It found that under this provision two whole classes, numbering 91, were to be dumped at once into the service of the United States, and other legislation that is proposed would fill up in making it 150 or 200. But here are 91 all at once to be dumped into the service.

We had a little education on that point. Every one of us who considered the personnel bill found that the leading argument in favor of it was that by the dumping of one hundred and odd officers into the Navy after the civil war there had always lain right athwart the mark of promotion of every officer in the Navy what they called a hump. It kept everybody back. Instead of its being an impetus, as everything ought to be in the service, it was a deterrent; it kept men down; it kept them from advancing. A great part of the purpose of the naval personnel bill was to provide for retiring officers above that hump, so that what had been stationary should begin to flow and advance and give an opportunity for promotion below. That was the great purpose urged more than anything else; and now, in one year, at the importunities of cadets and their friends, the Senate is asked to make another hump.

I do not forget. I have been through the mill. I learned what the hump was. I tell you, Mr. President, that the Senators who are seeking to carry this amendment are seeking to put again another hump into the Navy, and in two years' time, or three years, or five years, we will be called upon to legislate to cure it.

Now, what has the committee done? It realized that there is some need of officers. I do not deny it; but it is no such need as has been claimed. There is no need for half the officers of the Navy to be on shore. Somebody has asked—I think the Senator from Kentucky [Mr. LINDSAY]—if we can not do by legislation anything to hinder that, if it has got to go on as it has. It has

not, sir. No Department will fail to take monition from a discussion in Congress about the grievance that exists in the Department.

If we were simply dumb and still, and could not influence the Departments on purely administrative matters by discussion and pointing out errors and faults, half of our usefulness would cease. It is the business of the Senate to call the attention of the Departments—and it is calling the attention of the Navy Department today to the grievance of too many men being on shore—although we do not legislate, because that is administration. We can not say where an officer shall be placed, how many shall go to one place and how many to another, but we can serve notice on the Department, as we are doing, that they must conform to good sense and good administration or they will lose the confidence of the Senate. There, I tell the Senator from Kentucky, is a mission of the Senate, which he seems to have disregarded, for he has limited our usefulness entirely to legislation.

Mr. LINDSAY. Mr. President, the point I make is that we are not serving notice on them. Speeches made on the floor of the Senate are not an action by the Senate which serves notice on anybody.

Mr. HALE. In certain things, I repeat, we can not interfere with administration; we can not say where the officers shall go, but if we find too many of them in one place, we can make it so hot that in a little time we will not find them in that place. That is our business to-day.

Now, what has the Senate committee done? Finding that there was some need of an increase of officers, and yet desiring to avoid this barrier, this hump, we have not provided that the course shall be shortened, because upon that we stick and adhere. Therein, if we know anything, we know we are right. We provide that at the end of the four years' academic course another cadet may be appointed from the district, and that he shall go on with his six years' course, the result being that gradually a third is added to the cadet corps; in other words, that every district in twelve years gets three cadets instead of two. It all works in perfect harmony; graduates come in in regular course; only, as one Senator said to me, you have got everything filled up at the Academy, while the two years' course is going on at sea.

I was not the author of this provision, Mr. President. If I had been I could not speak of it in the terms that I do as being as fine a piece of legislation, as fine a device (if you can call it a device in the best sense of the word) for recovering and avoiding the effect of whatever lack there may be in the Navy of officers. It is the best piece of legislation that I have seen in many a year.

Mr. LINDSAY. I will ask the Senator if it will not bring about the identical hump—

Mr. HALE. No, indeed.

Mr. LINDSAY. Postponing it only a couple of years?

Mr. HALE. It not only postpones it a couple of years, but there is not a single man under this provision who can graduate under six years. But it goes on after that, and, as I have said, every district in twelve years will have three cadets instead of two cadets; and without any obstruction in the stream, without anything that disturbs the current, we have got just what is desirable, and that is the increase gradual and sure that keeps the Navy full.

Now Senators, it may be, will not see that, Mr. President. We saw it and welcomed the suggestion. Of course nothing more can be done by the committee. You may undertake in the committee to do anything that runs across individuals, and you have a contest on hand. You undertake to do anything that is opposed to the men who meet you on the street and call on you at your house and come to your committee room, and you tell them they are wrong and the committee is right, they do not believe it; they follow it up.

There has been for years, especially in the last few months, and is now, an agitation for every form of a land navy. Cadets, marines, apprentices must be taken from the sea and put on shore and have buildings and schoolhouses and chapels and barracks erected for them; we must have a land navy; and now at last it has come to what is at the bottom of our naval service, the bright corps of young cadets who are being educated at Annapolis, and there we are told that we must have a land lot of cadets, a graduated corps, whose service has been only on land.

Why, Mr. President, the summer cruise is nothing but recreation. That is not looked upon as sea service. It is right along the coast. They stop at Bar Harbor and at Newport and one or two other watering places; but it is only recreation. There is nothing of hardihood and responsibility and the old-fashioned animation that ought to characterize a naval officer that is given to him by this cruise of two or three months. Before he is fit to be a naval officer with the knowledge of a ship, with the knowledge of all its components and intricate parts, he has got to have the two years' service as a student prior to the time when he gets his commission.

But Senators say, "No; let us have a land navy; let us have a land lot of cadets; do not let us give them any instruction at sea;

but give them a commission, trusting to them afterwards that they will get the knowledge after they have got their commission that we say they should get before they have their commission."

I leave it, Mr. President, to the Senate. The Senate ought to see that this is a most important question. This life of the corps of cadets, the instruction that they should have, the Government bestows upon them, paying their bills all the time, giving them a salary, asking nothing from them; and now some of them revolt—I am glad to say that most of them do not—and ask that we shall give them only four years. I am willing to leave it to Senators.

Mr. FORAKER obtained the floor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed, with amendments, the bill (S. 1477) in amendment of sections 2 and 3 of an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4718) to regulate the collection and disbursement of moneys arising from leases made by the Seneca Nation of New York Indians, and for other purposes;

A bill (H. R. 9083) to authorize the Commissioner of the General Land Office to dispose of Choctaw orphan Indian lands in Mississippi and to make appropriation for executing act of Congress approved June 28, 1896;

A bill (H. R. 9510) to amend section 1 of the act of Congress approved February 12, 1887, entitled "An act to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia;

A bill (H. R. 9635) to establish light-house and fog signal in State of Washington;

A bill (H. R. 10780) to provide for sittings of the circuit and district courts of the southern district of Florida in the city of Ocala, in said district; and

A bill (H. R. 10966) permitting the building of a dam across the St. Joseph River, near the village of Berrien Springs, Berrien County, Mich.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 10279) to provide for sittings of the circuit and district courts of South Carolina in the city of Florence, S. C.; and

A bill (H. R. 10696) relating to the Twelfth and subsequent censuses and giving the Director thereof additional power and authority in certain cases, and for other purposes.

AMENDMENT OF DEPENDENT PENSION ACT.

Mr. GALLINGER. Will the Senator from Ohio [Mr. FORAKER] kindly allow me to ask that a bill from the House with certain amendments be laid before the Senate? If there is any debate on it, I will not ask that it be considered. I think there will be no debate whatever.

Mr. FORAKER. I yield to the Senator from New Hampshire for that purpose.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1477) entitled "An act in amendment of sections 2 and 3 of an act entitled 'An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents,' approved June 27, 1890."

The amendments were, on page 3, line 10, to strike out "having resources from which;" on page 3, line 10, after "an," to insert "actual net;" and on page 3, line 11, to strike out "is derived or derivable."

Mr. GALLINGER. Mr. President, this is the so-called Grand Army bill. I took occasion when it was under discussion to make some verbal changes which I thought bettered the bill, but the House of Representatives in its wisdom has differed from the Senate in that regard, and has restored the exact language that was in the bill when it was first considered. I now desire to move that the Senate agree to the amendments made by the House of Representatives.

Mr. COCKRELL. What is the effect of the amendments?

Mr. GALLINGER. Simply the phraseology that I employed was that the income of the widow, which is \$250 under this bill, should consist of property that produced an income or that might produce an income; that it was derived or derivable; that is to say, that she might have unimproved property or property that did not produce an income, such as timber land or something of that kind, and that might be investigated so as to ascertain

whether an income to that extent might not be derived, if it were sold, for instance. But the amendments made by the House permit a widow to have a net income of \$250 and yet be pensionable under the act of June 27, 1890. That is substantially the only change.

Mr. COCKRELL. A net income?

Mr. GALLINGER. A net income.

Mr. NELSON. Will the Senator from New Hampshire allow me a question?

Mr. GALLINGER. Certainly.

Mr. NELSON. Does this affect past cases that have been allowed and rejected?

Mr. GALLINGER. They will have to apply for pension.

Mr. NELSON. But they can come in for a pension.

Mr. GALLINGER. Yes; all of them.

The PRESIDENT pro tempore. Will the Senate agree to the amendments of the House?

Mr. COCKRELL. One minute. Does the word "net" that is used there mean after meeting all family expenses and everything of the kind?

Mr. GALLINGER. Net.

Mr. COCKRELL. Two hundred and fifty dollars income?

Mr. GALLINGER. Net out of the estate.

Mr. ALLISON. After paying taxes?

Mr. GALLINGER. After paying all necessary expenses, taxes, and repairs.

Mr. COCKRELL. Taxes on the property?

Mr. GALLINGER. Unquestionably so.

Mr. COCKRELL. Not including any of the expenses of the family?

Mr. SPOONER. It means the net income upon which to live?

Mr. GALLINGER. Yes.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New Hampshire that the Senate agree to the amendments of the House of Representatives.

The motion was agreed to.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10450) making appropriations for the naval service for the fiscal year ending June 30, 1901, and for other purposes.

Mr. FORAKER. Mr. President, I do not like to detain the Senate, and will do so but a very few minutes. However, I wish to make some remarks before this vote is taken in answer to that which has been said in favor of the pending amendment.

I wish to speak, in the first place, of that concerning which so much has been said on the other side, namely, that this whole objection is due to the importunities of somebody or because of personal interest in some cadet or personal regard for somebody. Mr. President, nothing of that kind is the case with me. I am not interested in anybody at the Naval Academy. I never have been. I do not know that I ever will be. Nobody has importuned me. It is a matter to which my attention has been called, as the attention of others perhaps has been called, in order that we might discharge a duty with respect to it according to our judgment.

Having had my attention called to it first in the debate that occurred in this Chamber last year when we enacted the personnel bill, I have followed it up, and I speak here to-day against this amendment from a sense of duty. It is not a sense of duty to any individual, but a sense of public duty. I believe, Mr. President, that it is only an act of justice to these young men to give them their commissions at the end of their four years' course in the Academy, but I believe also that the result will be the betterment of the American Navy if that be done.

Now, having said that much as to why I take this interest, I want to answer some objections that have been made on the other side to the House proposition. In the first place, we were told by the Senator from Massachusetts [Mr. LODGE] this morning that the old days of the Navy could be pointed to to show that it was the custom then to send young men to sea without any commissions, merely as midshipmen. Mr. President, the Senator from Massachusetts omitted to tell us that at that time there was no Academy and no course of instruction such as these young men are subjected to and given the advantage and privilege of. They could not get training and instruction except at sea.

Now, Mr. President, we have been told that the change in the law providing a six years' instead of a four years' course was due to the requirements of our modern ships. A glance at the statute shows that the change in the law was made in 1873, and that was before the modern ship had made any change necessary in the course of instruction at the Academy.

It needs no argument, only a mere suggestion, to point that out, to show that the statement made this morning is correct, which I understand has always been accepted here as the true one, that the change was made in the law in 1873 because at that time the

necessities of our Navy for officers were not such as to utilize all the cadets as rapidly as they were being educated at the Academy. We had at that time a surplus of officers. But now it is just the reverse. We have more ships now than we have officers. I only want, in a word, to indicate the points that I wish to make answer to, and I will not stop to elaborate them.

Now, the Senator from South Carolina [Mr. TILLMAN] made an argument that I confess had very great force with me until I came to analyze it, and that was that these young men were not capable of being put in charge of the very expensive battle ships at the time of their graduation, and it was necessary that they should have a two years' cruise at sea in order to familiarize them with their duties before they assumed such responsibilities. The first answer to that is that they do have a whole year at sea during their course of instruction. They have not a cruise of six weeks, as the Senator from New Hampshire said, but a cruise of three months in each year on practice ships, where the discipline is rigid and the instruction is continued, so that in some measure qualifies them.

But the answer I give to the Senator from South Carolina is that no cadet being thus sent out from the Academy with a commission in his pocket would be likely to be put in charge of any battle ship. He told us how he would come in command of a \$5,000,000 battle ship with its complicated machinery and its electrical appliances and all that sort of thing.

Mr. TILLMAN. Mr. President, will the Senator permit me right there?

Mr. FORAKER. Certainly.

Mr. TILLMAN. I would suggest before he leaves the point of this three months' cruise—

Mr. FORAKER. I am not going to leave it.

Mr. TILLMAN. I suggest that the Senator should not omit from the duties of these officers the various dances at which they exercise themselves to the delight of the young ladies along the coast at the different cities at which they stop. Further, when I spoke about the cadets being given commissions and put on battle ships and thereby risking the ship, I knew they would never be put in command of a ship, but I knew that if the commissions were given and these boys were required to perform their tour of duty there would be times when the other officers would be asleep and one of these fellows would be on the deck, or would be given some responsible position where he would be ignorant of what he ought to do, and if an emergency arose the thing might go to Davy Jones's locker before he could get some man to get up and tell him what ought to be done.

Mr. FORAKER. All the Senator from South Carolina says is purely imaginary, because so far as conditions are concerned under which such an officer would come in charge of the ship it seems to me highly improbable that any such thing could occur. I think every Senator here will agree with me when I call attention to the number of officers who would be on the same ship, and every one of them superior to him in rank. Take the *Brooklyn*, for instance. The number of officers on the *Brooklyn* who would be superior to him in rank is 46 commissioned officers. What probability is there that the one man just out of the Academy at Annapolis, because he happened to have a commission in his pocket, would come in command of that ship and put all that valuable property in jeopardy?

Mr. TILLMAN. Will the Senator from Ohio permit me? The Senator can not refuse that request.

Mr. FORAKER. Certainly not.

Mr. TILLMAN. The modern battle ship is so large and so complicated and has so much machinery about it that it may be irreparably damaged in various parts of it by an officer at one end, while the commanding officer might be at the other end. There are over 150 engines on one of these big ships, to say nothing about the electrical apparatus and the various complicated machines they have for handling the guns, for bringing up the shot from below, and everything else which goes to make them the most complicated machines in the world.

Mr. FORAKER. I appreciate all the Senator from South Carolina says; but, notwithstanding that, I want to put these figures in the RECORD: On the *Chicago* there are 33 officers; on a small cruiser like the *Concord* there are 18 officers; on the *Detroit* there are 20 officers; on the *Monadnock* there are 26 officers; on the *Iowa* there are 36 officers; on the *Indiana* there are 32 officers; on the *Marblehead* there are 20 officers; on the *Texas* there are 30 officers; on the *Oregon* there are 32 officers; on the *New York* there are 40 officers, and so it goes. On every important ship there would be this large number of officers superior in rank from whom the naval cadet would have to take his orders, and under whose supervision he would constantly be.

But, Mr. President, aside from that fact, it is stated here, and not denied—and nobody can deny it—that the officers now on these ships as cadets without any commission are assuming the positions and discharging the duties and responsibilities of junior

commissioned officers, simply because the number of officers on our ships is so deficient that it is necessary that they should fill these positions.

Mr. TILLMAN. And yet there are some 600 officers here at home. Why not send them out?

Mr. FORAKER. If that be so, then why have not the Committee on Naval Affairs brought in a bill requiring those officers to go to sea?

Mr. TILLMAN. Why does not the Senator offer an amendment here for that purpose, instead of criticising us? Why does he not suggest some place in this bill where it would be appropriate to say to the Secretary of the Navy, "You are incompetent; you are not discharging your duties, and therefore we will take you by the throat and order you to send these men to sea."

Mr. FORAKER. The reason I do not offer such an amendment is that I do not believe in any such thing. It is the Senator from South Carolina who makes that statement. I do not know what the facts are, but I am satisfied in my own mind that no officer of the Navy is on duty on shore who is not there legally and properly by due assignment and in the discharge of duties which it is necessary for such officer to discharge. I do not make any criticism of the officers of the Navy. I think they are among the most capable and most faithful of all the representatives of our Government. They have certainly demonstrated that fact, if anything has been demonstrated, by the skill and the splendid success with which they served the country in the recent war.

Mr. TILLMAN. I hope the Senator will not undertake to put me in the attitude of criticising the naval officers, because I bear willing testimony to their efficiency and to their being the most reliable people I have met in Washington.

Mr. FORAKER. I suppose the Senator did not intend to criticise the Secretary of the Navy, either.

Mr. TILLMAN. When I criticise the Navy Department I have the right to do so, because that is a civil bureau governed by civilians.

Mr. FORAKER. I do not share in the Senator's criticism of the Navy Department either. I believe the Secretary of the Navy is one of the most capable and most faithful men who has ever held that office. I have no question—I have never had occasion to examine it—but I have no question but what his Department is splendidly organized and splendidly conducted throughout. If I were a member of the Naval Committee I would not criticise the Department without being able to specify and to direct my criticism to some individual, and if I had not an individual in mind, and if I could not do that, I would not say anything in the way of criticism at all.

Mr. TILLMAN. Will the Senator allow me to say that I will second his motion, or rather, I will add to his commendation my own commendation of John D. Long as being a thoroughly conscientious and reliable man, who tries to do his duty; but he is tied up by his bureau chiefs below him. There is more or less influence which he can not resist; there are men detailed to do this and to do that and to do the other around the navy-yards and elsewhere, who are not needed in such places when we need men to man ships, and we are told here that we must graduate these boys two years in advance of their time in order to create officers, when we have 600 officers ashore doing nothing.

Mr. FORAKER. I have been trying to make it plain all day, and I have been insisting that I wanted to supply the needed officers for the Navy and to do justice to these young men. I believe that any young man who has remained four years at the Annapolis Academy and has passed all the examinations necessary to the successful final examination is well equipped to take a commission and to go to sea and perform the duties of a junior officer, when he has all this great number of superior officers along with him to aid him in the management of a ship and to conduct the fighting of a ship, if that be necessary.

I believe the young man who goes out with a commission on a ship to discharge that duty will feel his responsibility more if he has a commission as an officer than if he goes being neither officer nor seaman, suspended between the two, without rank. I want to call attention to the fact that he is simply a cadet until he gets his commission, and yet he is required to do this duty.

I call attention also to the fact that some of the men who went out with this class, having served two years at sea as cadets, have fallen in battle; and there is no law on the statute book which recognizes them as having any claim for pension or to any kind of relief from the General Government, even where they gave up their lives in the service. I believe that when these men go with commissions they will give better service, and I believe they will continue to be students all the same.

All this talk about it being necessary to keep them as cadets under a course of instruction to make them capable officers is to me the sheerest folly, with all due respect to Senators who may say it, because every man who knows anything at all about the effect of responsibility knows that responsibility develops a man more than anything else. Every man who goes through the Naval

Academy and enters the Navy goes with an ambition to be a good officer; and if he has that ambition, he will do all in his power by study and by application to make himself competent in the discharge of the duties that rest upon him.

I believe that this amendment ought to be defeated. I believe that a four years' course is enough, and I join with the Senator from Maine in saying that I will submit the matter to the Senate.

Mr. CHANDLER. The point upon which the Senate is about to vote in connection with the enlargement of the Navy is a very simple one. Thirty years ago, influenced by precisely such eloquence as that which the Senator from Ohio [Mr. FORAKER] has just indulged in, Congress provided for taking into the naval service large numbers of officers who had served in the volunteer navy, and took in perhaps 150 or 200 officers all at one time. In a few years the hump began to develop; promotions were slow. As the years went on men grew gray and were retired at 62 years of age as lieutenants, because they could get no higher on account of the hump that had been created by taking in volunteer officers at the close of the civil war.

Last year, for the first time, Congress dealt with that hump, and we provided for promotions here and promotions there and retirements here and retirements there, until we destroyed the effect of that hump, and at last created vacancies in the lowest grades of the Navy, amounting to about 150 or 200. By getting rid of the old hump these vacancies now exist; and we are sought to be persuaded by the eloquence of Senators upon the other side in connection with the Spanish war to immediately create another hump.

If this bill becomes a law as the House of Representatives have sent it to us, it will make commissioned officers within six months of from 150 to 200 young men newly graduated. They will get commissions from nearly the same date and it will take two classes amounting to 90, the number which the Senator from Maine [Mr. HALE] has given; it will take another class probably of 50 or 60; and we shall have created another hump to vex our successors here ten or fifteen or twenty years from now.

Seeing this condition of affairs, the Naval Committee have adopted a plan for gradually filling up these vacancies, as every change in the number of officers, either in the Army or the Navy, ought to be made—it ought to be made by degrees—and then there will be no hump. The committee has adopted this amendment unanimously, and it has done it in the interest of the Navy and of the public service. I think the committee under those circumstances is entitled to be sustained by the vote of the Senate.

Mr. LODGE. Before the Senator from New Hampshire sits down, I should like to ask him as to one point. I ask if it is not true that Congress at the close of the civil war, in addition to putting the volunteer officers into the Navy, did not also shorten the course in, certainly, one class, and I think in two, from four to three years, so as to let the two classes suddenly through, and it is just at the point where those classes came that the hump arose?

Mr. CHANDLER. I think the Senator from Massachusetts is right. We not only took in men from the volunteer service, but we did exactly what Senators are now urging us to do—we legislated into the service cadets from the Naval Academy by shortening their course and letting them in. We then had the hump, but we got rid of it by legislation a year ago; and now the Senator from Ohio is advocating what will result in the creation of a bigger hump.

Mr. FORAKER. Just a word in answer to the Senator from New Hampshire. I understand and appreciate the argument that a committee should be sustained, and ordinarily I want to stand by and vote with a committee which has given more study to the question than those of us not on such committee have the opportunity to give it. I recognize that those of us who are not on the committee are at a disadvantage in differing from the committee, but notwithstanding we do differ with the committee, when it is in respect to a matter we have investigated for ourselves and when we have earnest convictions about it, I hold that it is the right, privilege, and duty of every Senator to differ from the committee, and when the time comes to act, the action of the committee should be decided by the merits of the proposition, and not by an appeal to stand by the committee, right or wrong. I will support the proposition before the Senate upon its merits, and in no other way.

Mr. CHANDLER. Will the Senator allow me a word?

Mr. FORAKER. Certainly; with pleasure.

Mr. CHANDLER. I have made no appeal, as the Senator knows, to the Senate to stand with the committee whether it is right or wrong.

Mr. FORAKER. No, Mr. President; but what the Senator said was that he thought it was the duty of the Senate to stand by the committee. Now, I say if that means anything at all it means that we are to take the judgment of the committee without investigating it for ourselves, without putting it to our own test.

Mr. CHANDLER. By no means. The Senator has no right to draw any such inference.

Mr. FORAKER. Mr. President—

Mr. CHANDLER. The Senator will allow me a word further?

Mr. FORAKER. Certainly.

Mr. CHANDLER. The Senator has no right to draw any such inference. Nobody respects the sovereignty of the individual more than I do; and I welcome the Senator into this field of debate. Far be it from me to criticise a Senator for opposing a committee; but when the Senator from Ohio brought all his eloquence to bear in favor of this new hump, I thought it my duty to warn the Senate against it, and to appeal to the Senate to stand by the committee; but I have not the slightest imputation to make upon the Senator for making his argument just as forcibly as he can. I only say that he ought not to say that I made an appeal to the Senate to stand by the committee whether the committee is right or wrong, because I did not say any such thing, and I did not mean any such thing.

Mr. FORAKER. Perhaps the Senator did not mean any such thing; but, as I said a moment ago, if he did not say any such thing in express language, he did say what I stated in effect, for it can not mean anything else, when the Senator appeals to the Senate to stand by the committee because it is the action of the committee, than that we are to accept the judgment of the committee instead of following our own judgment.

I understand the Senator does believe in individual sovereignty; and no other Senator has stood for it more consistently than has the Senator from New Hampshire, nor more ably, and I respect him for it. I had no idea that he was criticising me for exercising my own opinion and following my own judgment, but I did think he was appealing to Senators to stand by the committee in their action because it was the action of the committee, and that we were bound to accept it because the committee had passed their judgment upon it.

I dissent from that proposition. I am always loath to differ from a committee, especially so able a committee as that having charge of this bill, but when it is a question of great importance, one about which Senators who are on the committee have stated that it is of far-reaching consequence, and I have an opinion that is not in accord with the opinion of the committee, I propose to stand for my own opinion and without any apologies to anybody about it.

As to this hump, what has it to do with the matter in controversy, whether there is a hump or no hump? That is a matter which relates to the order in which promotion shall come. What we are charged with the duty of doing here is to provide officers for the Navy of the United States, and, in doing it, to do justice to the young men who have passed through this rigid course of instruction at the Annapolis Academy.

Now, let us see how much of a hump it is. If our action should delay the promotion of somebody, it is no fault of ours. But how can there be any unreasonable delay? It is conceded that there are some five or six hundred vacancies in the Navy to be filled by officers coming from some place, and that the young men going out of the Academy without commissions are filling these positions and discharging these responsible duties. All we say is we will give them the rank to correspond with the duties they are discharging and the duties and responsibilities they have assumed.

Now, as to the size of the hump—

Mr. CHANDLER. Nobody suggests that there are five or six hundred vacancies in the Navy.

Mr. FORAKER. Everybody concedes there are five or six hundred offices on shipboard that have not been supplied.

Mr. CHANDLER. The Senator is a good lawyer, and he should use language more accurately. There are perhaps 150 vacancies in all in the Navy as now legally constituted. When the Senator says there are five or six hundred vacancies, he refers to his desire and the desire of others to enlarge the Navy; but there is no such number of vacancies as the Senator proposes to fill. There are perhaps 150 which the committee proposes to fill gradually, and the Senator proposes to fill them all at once; but there are no five or six hundred.

Mr. FORAKER. If I am in error as to the number, I stand corrected. But I understand it has been stated over and over again in this debate to-day that because of the fact that six or seven hundred officers are needed for duty on shore there are vacancies to that extent upon the ships that are at sea.

Mr. HALE. I have the Naval Register here, and I find the vacancies are only about between 140 and 150. Everything else is filled up.

Mr. FORAKER. Then what is proposed by this bill would practically fill those vacancies?

Mr. CHANDLER. All at once.

Mr. FORAKER. Let it be all at once. Why should they not be filled all at once? Take the class of 1898. They would be graduated and commissioned anyhow after their final examination in June next. They have been this whole two years not only cruising at sea, but they have been at the front fighting the battles of the nation. We talk about the number of the class of 1898, and speak as though every one of them was here to get a commission, losing

sight of the fact that quite a number of them have been killed, wounded, and put out of the service by that which has happened to them while in the service.

They will not be here to return to take their final examinations and accept their commissions; but if the whole number were here they would be commissioned anyhow in June. You can not count that as anything very serious. Then take the class of 1899. They will be entitled to commissions in June of next year, in 1901. They have already had a full year of service at sea and in contending against the enemy.

A number of that class have been killed and wounded or have suffered hardships which will stand in the way of their return to take their final examinations. So that if this amendment should be rejected and the proposition of the House should stand, you would not be commissioning them all in a lump so as to make a hump out of some 200 additional new officers without experience, but you would be commissioning 47 or 48 of the class of 1898, who are already veterans in the service, and about 50 of the class of 1899, who have been out a year at sea, and who would be commissioned in a year anyhow.

Then you would commission this year about 50 other graduates who will be at the end of the four years' course at the Academy. So that all you would be doing is to give to the Navy now, to fill 140 or 150 vacancies, forty-odd men, who would get their commissions in June next anyhow, and about 50 who would get their commissions anyhow in a year from now, and about 50 in June who will just have completed their four years' course.

Mr. HALE. If all of these were filled up now, what does the Senator think would become of the graduating class of next year?

Mr. FORAKER. I did not understand the Senator.

Mr. HALE. If you fill up all these places now, what does the Senator think would become of the graduating class of 50 or 60 next year?

Mr. FORAKER. We are building battle ships, and our Navy is constantly increasing. I understand it to be the opinion of the naval authorities that the Annapolis Academy, without an increase of cadets, will not turn out officers fast enough to man these ships.

Mr. HALE. It will not for some years, if you let it remain as it is; but if you fill up the number now, without taking into account the weeding-out process, the only vacancies you will have will be on account of the casualties occurring in time of war. And there is to be considered not only the coming graduating class, but you will have next year another class and will then be asked to further increase the officers in the Navy.

Mr. FORAKER. I understand that there is scarcely a battle ship in the service—and I think I am justified by what has been told me in making this statement—that there is not a single one in the service that has anything like the full complement of officers it ought to have—not one.

Mr. CHANDLER. Does the Senator say that those 50, 30, and 45 are not enough?

Mr. FORAKER. I did not say 50. I say 32 is the full complement of officers for a ship like the *Iowa* to have, as shown by Senate Document 168, and I might run through the list if I were to take the time to do so. There is no danger of having too many officers; but the trouble is that we will not have enough officers. But that is neither here nor there. What I contend for is that these men are going to sea anyhow, and it is simply a question as to whether, after a four years' course, you will send these men to sea without commissions and without the proper authority to command men, that men will respect, or whether you will give them commissions and put them in places of authority and put upon them the responsibility that belongs to the duties they are to discharge.

The PRESIDENT pro tempore. The question is on the amendment of the committee, on which the yeas and nays have been ordered.

Mr. HALE. The amendment strikes out the House provision and leaves the term six years.

The PRESIDENT pro tempore. Yes; and is to insert a clause which the committee have proposed.

Mr. FORAKER. Let me understand what we are voting upon now. Is it on the motion to strike out?

The PRESIDENT pro tempore. On the motion to strike out and insert.

Mr. FORAKER. On both?

The PRESIDENT pro tempore. On both.

Mr. DEPEW. I understand this is to reduce the standard from six to four years, the six years' standard having been in force for nearly thirty years.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 54 the Committee on Naval Affairs report to strike out from line 10 to line 21, inclusive, in the following words:

The students at the Naval Academy shall hereafter have the title of midshipman, and on successfully completing the course at that institution each shall be commissioned in the lowest grade of the line or Marine Corps, the two years' course at sea being hereby abolished.

The naval cadets who have completed the four years' course at the Naval Academy and are performing duty at sea shall be commissioned in the lowest grade of the line or Marine Corps, and the members of each class shall take rank among themselves according to their graduating multiples as was determined at the end of the four years' course at the Naval Academy.

And in lieu thereof to insert:

Whenever any naval cadet shall have finished four years of his undergraduate course of six years, the succeeding appointment may be made from his Congressional district or at large in accordance with existing law.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. WETMORE]. In his absence, I withhold my vote.

Mr. CAFFERY. I have a general pair with the junior Senator from Michigan [Mr. BURROWS]. If he were present, I should vote "nay."

Mr. DAVIS (when his name was called). I am paired with the Senator from Texas [Mr. CHILTON].

Mr. LINDSAY (when his name was called). I have a general pair with the senior Senator from Michigan [Mr. McMILLAN]. If allowed to vote, I should vote "nay."

Mr. TILLMAN (when Mr. McLAURIN's name was called). My colleague [Mr. McLAURIN] is sick. In his absence he is paired with the Senator from North Carolina [Mr. PRITCHARD]. If my colleague were present, he would vote "yea."

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. MORGAN (when his name was called). I am paired with the junior Senator from Iowa [Mr. GEAR]. With the consent of the Senator from Minnesota [Mr. DAVIS], I will transfer that pair to the Senator from Texas [Mr. CHILTON]; so that the Senator from Iowa will stand paired with the Senator from Texas; which will enable the Senator from Minnesota and myself to vote. I vote "nay."

Mr. DAVIS. I vote "yea."

Mr. PLATT of New York (when his name was called). I have a general pair with the Senator from Idaho [Mr. HEITFELD]. If he were present, I should vote "yea."

Mr. QUARLES (when his name was called). I have a general pair with the junior Senator from Texas [Mr. CULBERSON], and therefore withhold my vote.

Mr. MONEY (when Mr. SULLIVAN's name was called). My colleague [Mr. SULLIVAN] is not present. He is paired with the junior Senator from Illinois [Mr. MASON].

Mr. TALIAFERRO (when his name was called). I have a general pair with the Senator from West Virginia [Mr. SCOTT], and therefore withhold my vote.

Mr. WELLINGTON (when his name was called). I have a general pair with the Senator from North Carolina [Mr. BUTLER], and therefore withhold my vote.

The roll call was concluded.

Mr. BERRY. I desire to announce that the Senator from Kansas [Mr. HARRIS] has been called out of the Chamber. If present, he would vote "nay." He is paired with the Senator from Wyoming [Mr. CLARK].

Mr. WELLINGTON. I am informed that the Senator from North Carolina [Mr. BUTLER], with whom I am paired, would vote "yea" on this question if present. I therefore am at liberty to vote, and I vote "yea."

The result was announced—yeas 40, nays 12; as follows:

YEAS—40.

Allison,	Gallinger,	McBride,	Ross,
Bard,	Hale,	McCumber,	Sewell,
Bate,	Hanna,	McEnery,	Shoup,
Berry,	Hansbrough,	Martin,	Simon,
Burrows,	Hawley,	Nelson,	Spooner,
Chandler,	Hoar,	Penrose,	Teller,
Cockrell,	Jones, Ark.	Perkins,	Thurston,
Davis,	Jones, Nev.	Platt, Conn.	Tillman,
Depew,	Kean,	Pritchard,	Vest,
Frye,	Lodge,	Rawlins,	Wellington.

NAYS—12.

Caffery,	Fairbanks,	Kyle,	Pettus,
Clay,	Foraker,	Money,	Stewart,
Deboe,	Kenney,	Morgan,	Turley.

NOT VOTING—35.

Aldrich,	Clark, Wyo.	Lindsay,	Quarles,
Allen,	Culbertson,	McComas,	Scott,
Bacon,	Cullom,	McLaurin,	Sullivan,
Baker,	Daniel,	McMillan,	Taliaferro,
Beveridge,	Elkins,	Mallory,	Turner,
Butler,	Foster,	Mason,	Warren,
Carter,	Gear,	Pettigrew,	Wetmore,
Chilton,	Harris,	Platt, N. Y.	Wolcott,
Clark, Mont.	Heitfeld,	Proctor,	

So the amendment was agreed to.

The PRESIDENT pro tempore. The reading of the bill will be proceeded with.

The reading of the bill was resumed, beginning with line 1, page 63, and was continued to the end of line 24, on page 64.

Mr. HALE. The next clauses involve perhaps the greatest contest. They may as well be read, and then they will not have to be read again to-morrow morning. Then I will let the bill go over until to-morrow morning.

The next amendment of the Committee on Naval Affairs was, on page 64, after line 24, to strike out:

Armor and armament: Toward the armament and armor of domestic manufacture for the vessels authorized by the act of March 2, 1895; for those authorized by the act of June 10, 1896; for those authorized by the act of March 3, 1897; for those authorized by the act of May 4, 1898; for those authorized by the act of March 3, 1899, and for those authorized by this act, \$1,000,000: *Provided*, That the Secretary of the Navy is hereby authorized to procure by contract armor of the best quality for the battle ships *Maine*, *Ohio*, and *Missouri*, authorized by the act of May 4, 1898.

And insert:

Armor and armament: Toward the armament and armor of domestic manufacture for the vessels authorized by act of March 2, 1895; for those authorized by the act of June 10, 1896; for those authorized by the act of March 3, 1897; for those authorized by the act of May 4, 1898; for those authorized by the act of March 3, 1899, and for those authorized by this act, \$1,000,000: *Provided*, That in contracts for armor plate for any of the vessels above mentioned the Secretary of the Navy is authorized to procure armor of the best quality at an average rate not to exceed \$45 per ton of 2,240 pounds, including royalties.

If, after due advertisement, the Secretary of the Navy should be unable to contract for such armor designated above, then, and in that event, the Secretary of the Navy is authorized to procure armor of the best quality for the battle ships *Maine*, *Ohio*, and *Missouri*, now awaiting armor, and to pay therefor not to exceed \$45 per ton of 2,240 pounds: *Provided further*, That if the Secretary of the Navy has found, after such advertisement, that armor plate of the best quality can not be purchased from private manufacturers of armor plate for \$45 per ton of 2,240 pounds, then, and in that event, he is hereby directed to procure or purchase a suitable site and erect thereon an armor-plate factory at a cost not to exceed \$1,000,000; and to carry out the purposes of this provision the sum of \$2,000,000 is hereby appropriated and made immediately available, out of any money in the Treasury not otherwise appropriated: *And provided further*, That no contracts for the armor for any vessels authorized by this act shall be made at an average rate exceeding \$300 per ton of 2,240 pounds, including royalties, and in no case shall a contract be made for the construction of the hull of any vessel authorized by this act until a contract has been made for the armor of such vessel.

Mr. HALE. There is a mistake in the amendment. The clause beginning after the word "appropriated," in line 23, page 66, running down to and including the word "royalties," line 3, on page 67, should be stricken out. It is a mistake on the part of the clerk.

Mr. COCKRELL. What part—beginning "*And provided further?*"

Mr. HALE. Yes; "*And provided further.*" That does not in any way go into the scheme of the committee. It was put in by mistake.

Mr. COCKRELL. It is to go out of the bill?

Mr. HALE. Yes, sir; it is to go out of the bill.

The PRESIDENT pro tempore. The modification of the amendment will be stated.

The SECRETARY. It is proposed to modify the amendment by striking out on page 66, line 23, the following:

And provided further, That no contract for the armor for any vessels authorized by this act shall be made at an average rate exceeding \$300 per ton of 2,240 pounds, including royalties.

The PRESIDENT pro tempore. Does not the Senator want the words "*And provided further?*" left in?

Mr. HALE. That is not necessary. Let that be stricken out, too. I like it better without those words.

Mr. TILLMAN. It runs on down to the word "and."

Mr. HALE. The last clause remains in.

Mr. TILLMAN. "And in no case shall a contract," etc.

The PRESIDENT pro tempore. Striking out the conjunction "and?"

Mr. HALE. It will read:

Out of any money in the Treasury not otherwise appropriated, and in no case shall a contract be made, etc.

The PRESIDENT pro tempore. The amendment will be modified as indicated.

Mr. HALE. I give notice that to-morrow directly after the routine morning business I will ask the Senate to take up the bill and complete it.

Mr. HAWLEY. I ask unanimous consent to call up Senate joint resolution 121. It proposes legislation which is very much needed in the service. It is a short measure.

Mr. TILLMAN. I will give way to the Senator in a moment. I should like to have an agreement with the Senator from Maine in regard to the mooted question or questions that are going to be discussed on the naval bill; but the Senator from Connecticut got in ahead of me. If he will give way for a moment and then resume the floor, he can have the bill taken up without any obstruction on my part.

Mr. HALE. What does the Senator from South Carolina desire?

Mr. TILLMAN. I gave notice last evening when this discussion came up that I would move that we go into secret legislative session on this matter. It occurs to me that possibly it might be

better that the explanation as to why I shall ask that should be made this afternoon rather than to wait until to-morrow morning. It will not take long to explain why we shall have to discuss this question in secret session.

Mr. COCKRELL. The Senator had better make the explanation when we are going to act upon it.

Mr. HALE. As the Senator from New Hampshire says to me, that will give the newspapers an additional reason to state it in the morning.

Mr. TILLMAN. I hope the newspapers will not get hold of the points that I consider of such importance that I do not want to bring them out in public.

The PRESIDENT pro tempore. All that the Senator from South Carolina has to do is to move that the doors be closed.

Mr. TILLMAN. Now?

The PRESIDENT pro tempore. At any time; and if there is a second the doors will be closed.

Mr. CHANDLER. I gave notice that I should second the motion.

Mr. HALE. I have no feeling about it.

Mr. TILLMAN. It is a question of time and not of procedure. I desire more especially to let Senators themselves decide the question whether they wish to have the information as to why this matter should be discussed in secret now or to wait until to-morrow.

Mr. COCKRELL. Wait until morning, when the Senate is more nearly full.

Mr. HALE. I have no feeling about it.

Mr. TILLMAN. I have no objection to its going over until morning if the Senator thinks the newspapers will get hold of it. They can get hold of it in the morning just as well as now. There may be some things about which Senators would like to find out from their own investigation.

Mr. HAWLEY. May I go on?

Mr. TILLMAN. I yield.

SIGNAL CORPS OF THE ARMY.

Mr. HAWLEY. I ask unanimous consent for the present consideration of the joint resolution (S. R. 121) for the appointment of first lieutenants of volunteers in the Signal Corps of the Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It empowers the President to nominate and, by and with the advice and consent of the Senate, to appoint 10 first lieutenants of volunteers in the Signal Corps of the Army, whose commission shall expire June 30, 1901.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. 4718) to regulate the collection and disbursement of moneys arising from leases made by the Seneca Nation of New York Indians, and for other purposes; and

A bill (H. R. 9083) to authorize the Commissioner of General Land Office to dispose of Choctaw orphan Indian lands in Mississippi, and to make appropriation for executing act of Congress approved June 28, 1898.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 9635) to establish light-house and fog signal in State of Washington; and

A bill (H. R. 10966) permitting the building of a dam across the St. Joseph River near the village of Berrien Springs, Berrien County, Mich.

The bill (H. R. 9510) to amend section 1 of the act of Congress approved February 12, 1887, entitled "An act to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia," was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 10780) to provide for sittings of the circuit and district courts of the southern district of Florida in the city of Ocala, in said district, was read twice by its title, and referred to the Committee on the Judiciary.

AGNES K. CAPRON.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 1906, "An act granting an increase of pension to Agnes K. Capron," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to amendments as follows:

In lieu of the sum proposed by the House insert "thirty."

In line 9, after the word "receiving," insert "and \$2 per month additional

on account of each of the minor children of said Allyn Capron until they reach the age of 16 years."

And the House agree to the same.

J. H. GALLINGER,
GEO. L. SHOUP,
Managers on the part of the Senate.
H. C. LOUDENSLAGER,
JACOB H. BROMWELL,
S. W. DAVENPORT,
Managers on the part of the House.

The report was agreed to.

LILLIAN CAPRON.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 1905, "An act granting an increase of pension to Lillian Capron," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to an amendment as follows:

In lieu of the sum proposed insert "thirty-five."

And the House agree to the same.

J. H. GALLINGER,
GEO. L. SHOUP,
Managers on the part of the Senate.
H. C. LOUDENSLAGER,
JACOB H. BROMWELL,
S. W. DAVENPORT,
Managers on the part of the House.

The report was agreed to.

FRANCIS M. PORTER.

Mr. KYLE. I move that the bill (S. 952) granting a pension to Francis M. Porter, which I reported this morning, be recommended to the Committee on Pensions.

The motion was agreed to.

FORT BUFORD ABANDONED MILITARY RESERVATION.

Mr. HANSBROUGH. I ask present consideration of the bill (H. R. 9496) to provide for the disposal of the Fort Buford abandoned military reservation, in the States of North Dakota and Montana.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all public lands now remaining undisposed of within the abandoned military reservation in the States of North Dakota and Montana, formerly known as Fort Buford Military Reservation, and which are not otherwise occupied or used for any public purpose, shall be subject to disposal under the homestead, town-site, and desert-land laws.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SESSION WITH CLOSED DOORS.

Mr. NELSON obtained the floor.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. For what purpose does the Senator from South Carolina rise? The Senator from Minnesota was recognized.

Mr. TILLMAN. After further conversation with the chairman of the Committee on Naval Affairs, I have decided, from what I can hear, that it is the wish of most Senators that the explanation in regard to the secret session should be made to-night. I therefore move that the doors be closed.

The PRESIDENT pro tempore. The Senator from South Carolina moves that the doors be closed. Is there a second?

Mr. GALLINGER and Mr. COCKRELL. I second the motion.

The PRESIDENT pro tempore. Under Rule XXXV of the Senate the Sergeant-at-Arms is directed to clear the galleries and close the doors.

The Senate (at 4 o'clock and 30 minutes p. m.) proceeded to deliberate with closed doors, and at 4 o'clock and 55 minutes p. m. the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 9, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 8, 1900.

APPOINTMENT IN THE VOLUNTEER ARMY.

First-class Sergt. John Kennedy, Signal Corps, United States Army, to be signal officer, United States Volunteers, with the rank of second lieutenant, May 7, 1900, vice Pierson, resigned.

POSTMASTERS.

James H. Throop, to be postmaster at Norwich, in the county of Chenango and State of New York, in the place of S. A. Jones, whose commission expired December 12, 1898.

Henry F. Whittenhall, to be postmaster at Greene, in the county of Chenango and State of New York, in the place of F. H. Cowles, whose commission expired December 12, 1898.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 8, 1900.

JUDGE-ADVOCATE-GENERAL.

Lieut. Commander Samuel C. Lemly, of the United States Navy, a citizen of the State of North Carolina, to be Judge-Advocate-General of the Navy, with the rank of captain in the Navy, for the term of four years, from the 4th day of June, 1900.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Second Lieut. Andrew J. Henderson, of the District of Columbia, to be a first lieutenant in the Revenue-Cutter Service of the United States.

Third Lieut. Charles W. Cairnes, of Maryland, to be a second lieutenant in the Revenue-Cutter Service of the United States.

CONSULS.

Richard M. Bartleman, of Massachusetts, now consul of the United States at Malaga, Spain, to be consul of the United States at Geneva, Switzerland.

Benjamin H. Ridgely, of Kentucky, now consul of the United States at Geneva, Switzerland, to be consul of the United States at Malaga, Spain.

HOUSE OF REPRESENTATIVES.

Tuesday, May 8, 1900.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

OPERATIONS IN THE MANUFACTURE OF OLEOMARGARINE.

Mr. DALZELL. Mr. Speaker, by order of the House, this morning was fixed for the consideration of the report from the Committee on Ways and Means upon two certain resolutions of inquiry directed to the Secretary of the Treasury. I ask that they now be taken up.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution No. 226.

Resolved, That the Secretary of the Treasury be, and he is hereby, authorized and directed to furnish the House, for its information, the monthly duplicates of pages 1 and 2 of Form 216 of the Internal Revenue Department for the fiscal year ending June 30, 1899; also for the month of December, 1899, as returned by the various manufacturers of oleomargarine throughout the United States for the above periods.

House resolution No. 229.

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to furnish the House of Representatives information concerning the amount and character of the material used in the manufacture of oleomargarine by the several manufacturers, as shown by the monthly duplicates of pages 1 and 2 of Form 216 for the fiscal year ending June 30, 1899; also for the month of December of the same year, as returned by the various manufacturers of oleomargarine throughout the United States for the above periods.

Mr. DALZELL. Mr. Speaker, my attention was diverted for a moment. Did the Clerk read two resolutions?

The SPEAKER. Both resolutions were read.

Mr. TAWNEY. Mr. Speaker, the views of the minority relate only to resolution 229. There are no dissenting views on the part of the minority with respect to the majority report on resolution 226. The minority opposed the report of the majority as to resolution 229.

Mr. BABCOCK. You can ask for a separate vote.

The SPEAKER. The Committee report recommends that these resolutions be laid on the table, so that the question will be on the report of the committee.

Mr. TAWNEY. I was going to ask if it would not be competent by unanimous consent to adopt the report of the committee as to resolution 226. There are no dissenting views as to the report of the committee in respect to that resolution. It is in respect to resolution 229 that the minority have filed their views. So that we need consider only that resolution.

Mr. DALZELL. Mr. Speaker, the report of the Committee on Ways and Means treats the two resolutions as identical in substance, although differing slightly in the verbiage. The substance of the two resolutions is identical, and whatever reasons apply to the report of one apply to the report of the other.

The SPEAKER. The Chair thinks that if the demand was made for a separate consideration of the resolutions it would have to be complied with, but the Chair does not understand the demand for a division has yet been made.

Mr. TAWNEY. The two resolutions, it is true, relate to the same subject-matter, but they are entirely different in form. One calls upon the Secretary of the Treasury to furnish copies of certain documents in his possession. The other calls for certain information; and for that reason I ask a separate consideration of the two resolutions.

Mr. DALZELL. I think, so far as the question of parliamentary law is concerned, there would have to be two motions. If the point of order is made, each resolution would have to be disposed of by a separate vote. There is no objection to that, although I still contend that so far as the resolutions are concerned they are identical in terms. It is impossible to make any material discrimination between them.

The SPEAKER. The resolutions will be voted upon separately. This is not debatable, as gentlemen will understand. The question is on agreeing to the report of the committee to lay on the table the first resolution reported.

The question was taken, and the motion was agreed to.

The SPEAKER. The question now is on the recommendation that the second resolution lie on the table.

Mr. TAWNEY. Mr. Speaker, before that motion is put, I desire to make a parliamentary inquiry. When the special order fixing to-day for the consideration of these resolutions was made, by unanimous consent, given at that time, the views of the majority and the views of the minority were to be submitted to the House. I ask if that unanimous consent does not hold good up to the present time? It was agreed by unanimous consent last week that the views of the majority and the views of the minority should be submitted to the House.

The SPEAKER. Were they read at that time?

Mr. TAWNEY. They were not. The gentleman from Wisconsin [Mr. BABCOCK] asked unanimous consent that the whole matter go over until to-day. The views were not submitted to the House at that time, although unanimous consent was given.

Mr. DALZELL. They were printed in the RECORD.

The SPEAKER. The Chair thinks upon that statement that the report should be read to the House.

The Clerk read as follows:

The Committee on Ways and Means, to whom were referred House resolutions—

Mr. DALZELL (interrupting the reading). One moment. I have no objection to the reading at all, but it strikes me that if the views of the minority are to be read, which is in the nature of debate, there ought to be an equivalent time given to the other side.

Mr. TAWNEY. Consent was given that the views of both sides be read.

The SPEAKER. Both reports are to be read.

Mr. RICHARDSON. We do not exactly understand what the agreement is.

The SPEAKER. No agreement at all has been made.

Mr. RICHARDSON. The motion that the resolutions lie on the table is not debatable.

The SPEAKER. Not at all.

Mr. RICHARDSON. And the reading of the views of the minority is debate.

The SPEAKER. It is done by unanimous consent, as the Chair understands.

Mr. RICHARDSON. The object of my inquiry was what the unanimous consent covered.

The SPEAKER. The consent was given some days ago.

Mr. RICHARDSON. Will the Chair please state what it was?

The SPEAKER. That the report of the majority of the committee and the views of the minority should be submitted to the House; and the Chair thinks that under that consent both had better be read.

Mr. RICHARDSON. Then the object now, as I understand, is to have read from the Clerk's desk the report of the majority and the views of the minority.

The SPEAKER. That is all.

Mr. RICHARDSON. That is as far as the request has gone?

The SPEAKER. Unless something else is agreed to.

Mr. DALZELL. The consent given was simply that the views of the minority might be filed.

Mr. TAWNEY. The request was made by myself, and it was for the purpose of having the views of both sides submitted to the House.

The SPEAKER. The Chair was basing his ruling on the statement of the gentleman from Minnesota, acquiesced in, as the Chair understood, by the gentleman from Pennsylvania. The Chair will have the Clerk read from the RECORD what took place at the time the consent was given.

The Clerk read as follows:

Mr. TAWNEY. I ask unanimous consent, Mr. Speaker, that the views of the minority, together with the report of the committee, be read to the House. I desire to ask, first, as a matter of information, if there is not also another resolution accompanying the report of the majority; I refer to House resolution 229?

Mr. DALZELL. That is correct.

The SPEAKER. The Chair will submit the request of the gentleman. The gentleman from Minnesota asks unanimous consent that the views of the committee—the majority and minority—may be read for the information of the House.

Mr. BABCOCK. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. BABCOCK. To submit a request.

The SPEAKER. The gentleman will state it.

Mr. BABCOCK. I wish to ask unanimous consent that the consideration of this resolution may be permitted to go over until Tuesday of next week.

Mr. CANNON. And I wish to ask in the same connection, Mr. Speaker, if the majority report and the views of the minority have been printed?

Mr. DALZELL. Not yet.

Mr. BABCOCK. This is quite an important matter, and I hope that the request that it may go over will be agreed to.

Mr. TAWNEY. The resolution calls only for information from the Internal Revenue Department as to the character and quantity of materials used in the manufacture of oleomargarine. The report of the majority favors laying the request for information on the table, while the minority favors the passage of the resolution. I do not know that there is any reason for delay in considering the matter.

The SPEAKER. The Chair will submit the request of the gentleman from Wisconsin.

The gentleman from Wisconsin asks unanimous consent for the consideration of these resolutions to go over until one week from to-morrow. Is there objection?

There was no objection, and it was so ordered.

Mr. TAWNEY. In the meantime the report of the majority and minority may be printed?

The SPEAKER. Without objection, the report of the majority and minority of the committee will be printed in the RECORD for the information of the House. Is there objection?

There was no objection.

The SPEAKER. Upon that exhibition of the facts, the Chair is of opinion that there is no authority for reading either the report of the majority or the views of the minority.

Mr. TAWNEY. I ask unanimous consent that the report of the committee and the views of the minority may be submitted to the House and read at the Clerk's desk.

The SPEAKER. The gentleman from Minnesota [Mr. TAWNEY] asks unanimous consent that the report of the majority and the views of the minority may be read to the House. Is there objection?

Mr. WILLIAMS of Mississippi. I ask for the regular order.

The SPEAKER. Objection is made by the gentleman from Mississippi.

Mr. TAWNEY. One more request. I desire to have an understanding with the gentleman from Pennsylvania [Mr. DALZELL], who presents the majority report, that by unanimous consent, if the House will give it, we discuss the report of the committee for half an hour—fifteen minutes on each side.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that thirty minutes be allowed for discussion on the report of the majority—fifteen minutes to be given to those in favor of the report and an equal time to those against. Is there objection? The Chair hears none, and it is so ordered. The gentleman from Pennsylvania [Mr. DALZELL] is recognized in favor of the report.

Mr. DALZELL. Mr. Speaker, I will make a brief statement of the situation. There was introduced into the House and sent to the Committee on Ways and Means a resolution directed to the Secretary of the Treasury, asking him to furnish certain information contained in schedules on file with the Commissioner of Internal Revenue. These schedules are provided for by a section of the oleomargarine law. They consist of information given by the manufacturers of oleomargarine, showing the constituents that enter into its manufacture, the amount of each, and generally the operations in the manufacture of that commodity. The Committee on Ways and Means were of the opinion that section 3167 of the Revised Statutes made it unlawful for the Secretary of the Treasury to furnish this information. The information is given under compulsion of law for purposes of taxation; and it is therefore contrary to public policy that the secrets of these manufacturers, obtained in that way, should be given to the public—should be given, for instance, to those engaged in the same line of manufacture.

So far as the rights of the public are concerned, they are amply protected by a section of the oleomargarine law which makes it the duty of the Commissioner of Internal Revenue to pass judgment upon the wholesome or unwholesome character of the elements that enter into this manufacture; and from his judgment in any particular case there is an appeal to the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Secretary of Agriculture. So that, in the view of the committee, the rights of the public upon the one hand and the rights of the manufacturers upon the other are amply protected by legislation.

The committee therefore reported that, in view of the prohibition resting upon the Secretary of the Treasury by virtue of section 3167 of the Revised Statutes, this resolution ought to lie upon the table. It seemed to the committee that this was an attempt by a resolution of the House to repeal an act of Congress, and that was the reason for their action.

There is nothing involved in this controversy except a simple question of law; no question as to the propriety or policy or desirability of oleomargarine legislation is involved, nothing but the simple question whether or not this resolution ought to go to the Secretary of the Treasury, and if the committee be right, the House will be put in the ridiculous attitude of asking an officer of the Government at its instance to violate the law.

I reserve the balance of my time, Mr. Speaker.

Mr. TAWNEY. Mr. Speaker, I trust that the House will under-

stand the proposition upon which we are called to vote. If the report of the majority is adopted and this resolution is laid on the table, then this House will have declared that under existing law the people of this country have no right to know what material is being used in the manufacture of a food product intended for their consumption, although that product is manufactured under the supervision of our Government. That is the plain proposition you are called upon to uphold by supporting the report of the majority.

Mr. Speaker, before asking this House to make a declaration of that kind—

Mr. LIVINGSTON. Mr. Speaker—

Mr. TAWNEY. I can not yield. I have not the time.

The SPEAKER. The gentleman declines to yield.

Mr. LIVINGSTON. I want to ask one question only.

Mr. TAWNEY. I will answer if it is only a question.

Mr. LIVINGSTON. Has not oleomargarine frequently and often been analyzed, and has not that analysis been published to the world?

Mr. TAWNEY. Yes, it has; and it is the duty of the Commissioner of Internal Revenue to analyze it, and the ingredients of which it is made, for the purpose of determining whether it contains anything deleterious to health. If any party is aggrieved by his decision, or thinks that he has not decided properly, they have the right to appeal to a board created by the act of 1886, known as the oleomargarine law, when a public hearing is had, and at that hearing all of the proceedings and all the evidence with respect to the character of the ingredients used in the manufacture of this product are made public. Yet the majority of the Committee on Ways and Means say that the law prohibits the Secretary of the Treasury from divulging this information, which the law expressly provides may be made public and necessarily must be made public before a board created by law for the purpose of finally determining whether or not the material used in the manufacture of oleomargarine or any part of it is deleterious to health.

Mr. Speaker, before asking the House to make a declaration that to the ordinary mind would be inconsistent with common sense, the majority of the committee should furnish the plainest and most express provisions of law to justify us in saying to the people that legally they have no right to know what material is used in this artificial combination of grease by-products.

To do this, Mr. Speaker, the friends of oleo-bull and hog butter must give us something more convincing than section 3167 of the Revised Statutes, a law that has no relation whatever to the Secretary of the Treasury or to the information which this resolution calls for, in order to make the people believe that this House has no right to know what the manufacturers of spurious butter are using in the manufacture of a product intended for human consumption. I want to call your attention to the language of that section, and I submit to every lawyer in this House whether or not there is anything in this section that relates to the information called for by this House resolution.

If any collector or deputy collector, or any inspector, or other officer, acting under the authority of any revenue law of the United States, divulges to any party, or makes known in any other manner than may be provided by law—

What?

the operations, style of work, or apparatus of any manufacturer or producer—

Obtained how?

visited by him in the discharge of his official duties.

In the first place, the information must relate to the operations, style of work, or apparatus of any manufacturer or producer.

In the second place, that information must be obtained upon a personal visitation by the officer to the factory of the producer. And it is only in those two cases where the officer is prohibited by this section from divulging the information which he obtains.

Now, this information does not come to the Secretary of the Treasury nor the Commissioner of Internal Revenue by reason of the personal visit of either of these officers to the factory of the producer. Under section 5 of the act known as the oleomargarine law these manufacturers are required to furnish monthly returns to the Commissioner of Internal Revenue, showing the character and quantity of the ingredients used in the manufacture of this alleged food product. And why did Congress require them to make these monthly returns? Was it for the purpose of keeping that information secret and away from the public? No; there were two objects in view; the one was to enable the Commissioner of Internal Revenue to know whether or not the tax was being properly assessed and collected, the other object was to protect the public health. And yet the majority of the Ways and Means Committee come in here and say that they propose to protect the public health by throwing around this information the seal of secrecy, and not allowing that information to be divulged to anyone. They may use poison in any quantity, or any substance absolutely

deleterious to the public health, yet the committee say that is a trade secret which must be kept inviolate.

The section of the Revised Statutes upon which they rely, exclusively, has no reference whatever to information filed with the Commissioner of Internal Revenue in accordance with the express provisions of law, and for that reason I maintain and hope that the majority report will be voted down, and that then this resolution will be passed, that we may know and that the people may know what ingredients the 17 manufacturers of oleomargarine are using in the manufacture of a so-called food product.

The gentleman says it is a trade secret, and therefore against public policy to require this information to be disclosed. Every known process for the manufacture of oleomargarine is patented. I hold 75 of those patents in my hand. The idea of claiming that that which is patented shall be further protected by this House as a trade secret is simply preposterous. Some may say, "Well, if these formulæ are patented, why do you want the information?" They state in those patents what they intend to use. They there tell the public what they claim will be used, but the Commissioner of Internal Revenue has the exact information of what they are in fact using, and it is to obtain that information for the benefit of the public that this resolution was offered.

I have gone through most of these patents, and I have not found in a single one of them where any of the owners of these patents claim to use stearin, a chunk of which I hold in my hand, a substance that will not melt below 154° F. Yet the returns filed with the Commissioner of Internal Revenue show that there are large quantities of that substance being used in the manufacture of oleomargarine, although there is not a single patented formula, as far as I have been able to ascertain, that authorizes it or in which they say they intend to use substances of that kind.

I want to say further that this subject is being investigated by certain committees of this House. When the manufacturers of oleomargarine were before the Committee on Agriculture, they were asked to give this information and they very politely refused, and now this House is asked to fortify that refusal by laying on the table a resolution which calls upon the Commissioner of Internal Revenue for the information which these men refused to give to a committee of this House—information which is furnished him for the benefit of the public and in accordance with the express provisions of law enacted primarily to protect the public health. [Applause.]

I reserve the balance of my time, Mr. Speaker.

The SPEAKER. The gentleman from Pennsylvania.

Mr. DALZELL. How much time has the gentleman from Minnesota remaining?

The SPEAKER. Five minutes.

Mr. DALZELL. And I have eleven minutes?

The SPEAKER. The gentleman from Pennsylvania has eleven minutes.

Mr. DALZELL. I yield five minutes to the gentleman from Texas [Mr. BALL].

Mr. BALL. Mr. Speaker, it will be no impeachment of the sincerity of the gentleman from Minnesota [Mr. TAWNEY] when I say to this House that the inquisitorial investigation proposed by this resolution is not inspired or prompted by a desire to protect the public health, but is in answer to the persistent attempt of the sellers of cheap, unwholesome butter that the people find unfit for use, to secure Congressional aid to enable them to sell their inferior butter at a greater price than they now receive. This resolution is intended to be the opening wedge for a campaign to further tax oleomargarine, which is rapidly growing in popular favor as being cheaper, better, and purer than ordinary butter.

The resolution proposes to require the Secretary of the Treasury, as shown by the able report of the majority of the Committee on Ways and Means, to reveal the secrets of trade and the formula used by the manufacturers of oleomargarine, in violation of law and against sound public policy. If we are going into this character of investigation, why not compel every line of business and every owner of a proprietary article to make public that which would impair and perhaps destroy their business? Why refuse to apply this to all other articles sold which are made by a secret formula, and not seek alone to strike at the great cotton and cattle interests of this country, which are largely interested in the manufacture of oleomargarine, in order to help build up a butter trust? Is it because the latter interest is the more powerful in the section represented by gentlemen pushing this measure?

Mr. Speaker, the high priest of protection never went further than to claim that it was proper to discriminate in favor of American industry, products, and labor against foreign competition. Now, the whole object of the resolution now pending and the bills being urged in this House on the subject is to use the powerful agency of the National Government to discriminate in favor of one American industry against another. I charge that it is not regard for the public health that prompts this character of legislation.

The manufacturers of oleomargarine are now required by law

to render to the Commissioner of Internal Revenue an account of the quantity and kind of materials used in producing oleomargarine and the quantity each month. The Commissioner is authorized to decide whether any substance used in the manufacture contains ingredients deleterious to the public health, and his decision is subject to review by a board composed of the Secretary of Agriculture, the Surgeon-General of the Army, and the Surgeon-General of the Navy. If gentlemen are not satisfied with this, why not pass a resolution requiring the Commissioner to appoint a number of expert chemists to decide whether or not there is any ingredient in oleomargarine hurtful to the public health? This would be the sensible thing to do, if that were the real object aimed at, and would not require manufacturers of oleomargarine to give to the public their formula, now protected by existing law.

The best authorities expose the claim that oleomargarine is not healthful. Professor Atwater, director of the United States agricultural experiment station in this city, pronounces it "perfectly wholesome and healthy and of high nutritious value." Professor Wiley, Chief Chemist of the Department of Agriculture, declares it to be "clean, wholesome, and digestible, and when it is to be kept a long time preferable to butter, because it has but little tendency to become rancid." Other great chemists concur in this opinion, and I challenge the gentleman, in spite of the little wedge of stearin held up to the House for their observation as being one of the objectionable ingredients in oleomargarine, to cite a single chemist of any respectability anywhere who declares that butterine or oleomargarine menaces the public health, or that it is not better than the cheaper class of butter with which it competes.

The makers of the best grades of butter in this country are not behind this movement and do not insist upon its passage.

Mr. BABCOCK. Will the gentleman allow me a question?

Mr. BALL. I have only five minutes.

The SPEAKER. The gentleman declines to yield.

Mr. BALL. The great labor organizations of this country, always in favor of fair play, with one voice and as one man are opposed to this pernicious, infamous, iniquitous legislation. Hundreds of petitions from all over this Union, signed by labor organizations and by individual laboring men of influence and prominence, tell us that the object aimed at is to raise the price of that which is wholesome, cheap, and pure, and which they desire to use, in order to promote the sale of a class of butter which is put on the market that is far inferior to that substitute which is sought to be legislated against. They also lay down the proposition that it is wrong to injure one American industry to help another.

Now, Mr. Speaker, I ask this House, in the name of the great cotton and cattle industries of this country, that are vitally concerned; I ask members who represent a people that furnish to the farmers and cattlemen of the South and West your own products, to consider the interests of that section, which not only buys of you but contributes the greater part of the exports which gives the great balance of trade to the United States, and thereby becomes the chief factor in bringing prosperity to our country; not to carry this doctrine of protection to the extent of injuring or destroying an industry of this country which is vital to the people of a section which contributes so much to the sustenance and prosperity of all our people.

Mr. KLUTTZ. Will the gentleman allow me to ask him a question?

Mr. BALL. Yes.

Mr. KLUTTZ. What is the objection to giving publicity of the formula by which this product is made if it is a legitimate product?

Mr. BALL. Why do you not inquire into the ingredients of poor butter, "bust-head" whisky, patent medicines, proprietary articles, and everything else in this country in regard to which interested persons would like to know? This action now proposed by Congress is an objectionable enlargement of the functions of the National Government.

It is not in the interest of the public health; it is sumptuary legislation; it is an unwarranted, inquisitorial inquiry into the private affairs of the manufacturers of oleomargarine, to satisfy rival interests; it gives to the public the knowledge of their formula in violation of law and public policy, and impairs the value of their business without benefit to the public.

No just government should require them to submit the secrets of their trade for the inspection of the officials charged with the execution of the internal-revenue laws, and then when in possession thereof publish them to the world.

Mr. DALZELL. I yield one minute to the gentleman from Tennessee.

Mr. RICHARDSON. In one minute I can only say that the Committee on Ways and Means have very carefully considered this resolution. They were almost unanimously of the opinion that the matter involved was purely a legal question. The section of the Revised Statutes quoted by the gentleman from Pennsylvania forbids the Commissioner of Internal Revenue and the officers of the Treasury Department from giving to Congress the

information which is sought in this resolution. Every lawyer on the Committee on Ways and Means, with two exceptions, were of the opinion that this resolution, which is simply a House resolution, can not repeal a law. The simple House resolution which we have before us can not repeal the statute which the gentleman has read. Now, then, in conclusion, all the members of the committee except the gentleman from Minnesota and the gentleman from Iowa—every other member of the majority and every member of the minority, without exception—thought that this resolution ought to be laid on the table.

Mr. TAWNEY. I yield two minutes to the gentleman from Virginia [Mr. LAMB].

Mr. LAMB. Mr. Speaker, if the chemists of this country testify that the ingredients composing oleomargarine are perfectly harmless, we cite the fact that was brought out before the Agricultural Committee, that the best chemists in France and the best in the world have declared against the use of oleomargarine in the hospitals because it does contain ingredients that are injurious to health.

Now, Mr. Chairman, I do not propose to wage any war on the cattle interests or the cotton-seed interests of these Southern gentlemen, but, in behalf of pure food and in the interest of the butter raisers of this country, we demand that this resolution shall pass and that the Secretary of the Treasury shall be requested to report to this House, in accordance with the resolution, the ingredients that compose this article. In reply to my friend from Texas, for one I want to know how much of the cotton-seed oil enters into the manufacture of oleomargarine. The hearings before the Agricultural Committee show that there is less of cotton-seed oil used than many of you suppose in the manufacture of oleomargarine.

[Here the hammer fell.]

Mr. TAWNEY. I yield to the gentleman from Wisconsin [Mr. BABCOCK] one minute.

Mr. BABCOCK. Mr. Speaker, I regret very much that I have to antagonize the great Committee on Ways and Means. I have a very high opinion of them, but I do not believe the cattle interest nor the cotton-seed oil interest, nor any other interest wants to stifle this information. If oleomargarine is a good food product, if it is healthy, if it is not poisonous, why do they want to shut off the information from the people? Give them the facts; that is all they want to know. [Applause.]

Now, Mr. Speaker, I represent a great district in the State of Wisconsin; I can speak for the manufacturing interests that are using oleomargarine in great quantities, as well as the great dairy interests of my State; but that is no reason why I should not represent all the people who want to know what this product, oleomargarine, contains.

[Here the hammer fell.]

Mr. TAWNEY. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman has two minutes.

Mr. TAWNEY. Just one word in reply to the gentleman from Tennessee [Mr. RICHARDSON]. I trust that the lawyers in this House who are at all familiar with penal statutes and their construction will not allow themselves to be deceived by the legal technicality urged by the gentleman from Pennsylvania [Mr. DALZELL] and the gentleman from Tennessee [Mr. RICHARDSON]. By the construction which they place upon this statute, viz, that it applies to information filed with the Secretary of the Treasury, instead of applying exclusively to information concerning the operations, style of work, or apparatus, obtained concerning a manufacturer upon a personal visit, in the discharge of his official duties.

No lawyer in this House would even attempt to draw an indictment against the Secretary of the Treasury for obeying this resolution, because he could not allege that the information divulged by the Secretary came to him by personally visiting the factory, or that the information related either to the operation, style of work, or to the apparatus of the manufacturer. That is not the information that this resolution calls for. In conclusion, Mr. Speaker, I hope that every friend of the dairy interests of the United States who believes in honest competition in trade, who wants pure food, who believes in letting the people know, even those who want to buy and consume oleomargarine, what it contains, then let them vote "no" on the proposition to adopt this report of the majority of the committee. [Applause.]

[Here the hammer fell.]

Mr. DALZELL. Mr. Speaker, I shall not consent that this House shall be led away from the question at issue by representations made by the gentleman from Minnesota [Mr. TAWNEY].

This is not a question involving the merits of the oleomargarine bill. If that question shall come before the House in due course, as it may, I shall have no hesitation then in expressing a very earnest and sincere conviction which I have in respect to that character of legislation. That is not the question here now. The question is not the question submitted by the gentleman from Minnesota—information as to what constitutes oleomargarine.

There is no trouble about that, but the proposition of this resolution is to spread on the public record the trade secrets of the seventeen manufacturers of oleomargarine who do business in this country. There is no trouble about getting the elements, the various ingredients that enter into the composition of oleomargarine, by drawing a proper resolution; but this resolution calls for more than that. It calls for the disclosure by the manufacturers of oleomargarine, each to his neighbor, of his methods of manufacture and his trade secret, all that which he has been compelled to place upon record by law simply for the purpose of Federal taxation.

Mr. TAWNEY. Will the gentleman yield?

Mr. DALZELL. I must decline to yield. I shall not stop to consider whether section 3167 covers the Secretary of the Treasury and covers this matter, but I shall ask the members of this House to send over to the Clerk's office of the Supreme Court of the United States and get the opinion of the court in the case of Boske against Comingore, a collector of internal revenue of a district in Kentucky, who was relieved on habeas corpus from an imprisonment imposed by a Kentucky court because he would not, in violation of the law, disclose the secrets that came to him as collector. In that case he pleaded in bar section 3167 of the Revised Statutes of the United States and Treasury regulations which the Supreme Court of the United States held it was within the power of the Treasurer to make. But let us put that aside altogether. Suppose we put aside the statute? Suppose we put aside this decision. I say, as a matter of public policy, the man who delivers to the Government for the purpose of taxation the secrets of his manufacture is protected by the great principle of public policy, and that to make any other disposition than we propose of this resolution would do no good to the friends of oleomargarine and would place the House in a position and an attitude that would make it ridiculous.

I trust that when we come to vote on this resolution we shall vote upon the resolution as it is, not upon the merits of the Grout bill or the Tawney bill or any other bill. That we can properly dispose of, under its own special head, when the time comes.

The SPEAKER. The question is on laying upon the table House resolution 229.

Mr. TAWNEY. I rise to a parliamentary inquiry. In the event that the report of the committee is not adopted, will the resolution then be before the House for consideration and action?

The SPEAKER. Undoubtedly. The House will then have an opportunity to adopt the resolution, if it so desires.

Mr. SHAFROTH. Can we not have the resolution read?

The SPEAKER. Without objection, the resolution will be again reported.

The Clerk again read the resolution.

The question being taken on laying the resolution on the table,

The SPEAKER said: The yeas appear to have it.

Mr. DALZELL. I call for a division.

Mr. BABCOCK. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 81, nays 137, answering "present" 13, not voting 121; as follows:

YEAS—81.

Adams,	Clayton, N. Y.	Kleberg,	Shattuc,
Adamson,	Cowherd,	Lanham,	Sheppard,
Aldrich,	Crumpacker,	Lassiter,	Slayden,
Allen, Ky.	Daly, N. J.	Lester,	Small,
Atwater,	Dalzell,	Linney,	Spight,
Bailey, Kans.	Davis,	Livingston,	Steele,
Ball,	De Graffenreid,	Long,	Stephens, Tex.
Bankhead,	Driggs,	Lord,	Stokes,
Barham,	Elliott,	McCulloch,	Talbert,
Bartlett,	Finley,	McLain,	Terry,
Bingham,	Fitzgerald, N. Y.	Maddox,	Thomas, N. C.
Boutell, Ill.	Foster,	Norton, S. C.	Turner,
Brantley,	Fowler,	Overstreet,	Underhill,
Brenner,	Gayle,	Payne,	Underwood,
Brewer,	Griggs,	Ransdell,	Wadsworth,
Brundidge,	Grosvenor,	Rhea, Ky.	White,
Burleson,	Hawley,	Rhea, Va.	Williams, Miss.
Burton,	Hedge,	Richardson,	Wright.
Cannon,	Henry, Miss.	Riordan,	
Capron,	Kahn,	Ruppert,	
Chanler,	King,	Ryan, N. Y.	

NAYS—137.

Alexander,	Burkett,	Cushman,	Gardner, N. J.
Allen, Me.	Burleigh,	Dahle, Wis.	Gilbert,
Babcock,	Butler,	Davenport, S. A.	Gill,
Barber,	Calderhead,	De Armond,	Gillet, N. Y.
Barney,	Caldwell,	De Vries,	Glynn,
Bell,	Clark, Mo.	Denny,	Graff,
Bellamy,	Clarke, N. H.	Dick,	Green, Pa.
Bishop,	Connell,	Dinsmore,	Greene, Mass.
Breazeale,	Cooney,	Dougherty,	Griffith,
Brick,	Corliss,	Eddy,	Grout,
Brosius,	Crawford,	Emerson,	Grow,
Brown,	Cromer,	Esch,	Hall,
Bull,	Crump,	Gamble,	Hamilton,
Burke, S. Dak.	Curtis,	Gardner, Mich.	Haugen,

Hay,
Heatwole,
Hemenway,
Henry, Conn.
Hitt,
Howard,
Howell,
Hull,
Jack,
Johnston,
Jones, Va.
Jones, Wash.
Ketcham,
Kluttz,
Lamb,
Landis,
Lawrence,
Littauer,
Littlefield,
Lloyd,
Loudenslager,

Lybrand,
McClary,
McPherson,
Marsh,
Meekison,
Miers, Ind.
Miller,
Minor,
Mondell,
Moody, Mass.
Moody, Oreg.
Moon,
Morris,
Neville,
Norton, Ohio
Olmsted,
Parker, N. J.
Pearce, Mo.
Polk,
Powers,
Quarles,

Ray, N. Y.
Reeder,
Roberts,
Robinson, Ind.
Robinson, Nebr.
Rucker,
Ryan, Pa.
Salmon,
Scudder,
Shafroth,
Shelden,
Sherman,
Sibley,
Smith, H. C.
Southard,
Sperry,
Stark,
Stewart, N. J.
Stewart, N. Y.
Stewart, Wis.
Swanson,

Tawney,
Taylor, Ohio
Thayer,
Thropp,
Tongue,
Vandiver,
Van Voorhis,
Vreeland,
Wanger,
Waters,
Watson,
Weaver,
Williams, J. R.
Williams, W. E.
Wilson, Idaho
Wise,
Zenor,
Ziegler.

ANSWERED "PRESENT"—13.

Allen, Miss.
Benton,
Brownlow,
Cox,

Gibson,
Jett,
Little,
McClellan,

Needham,
Otey,
Otjen,
Pugh,

Wheeler, Ky.

NOT VOTING—121.

Acheson,
Bailey, Tex.
Baker,
Bartholdt,
Berry,
Boreing,
Boutelle, Me.
Bowersock,
Bradley,
Bromwell,
Broussard,
Burke, Tex.
Burnett,
Campbell,
Carmack,
Catching,
Clayton, Ala.
Cochran, Mo.
Cochrane, N. Y.
Cooper, Tex.
Cooper, Wis.
Cousins,
Crowley,
Cummings,
Cusack,
Davenport, S. W.
Davey,
Davidson,
Dayton,
Dolliver,
Dovener,

Driscoll,
Paris,
Fitzgerald, Mass.
Fitzpatrick,
Fleming,
Fletcher,
Fordney,
Foss,
Fox,
Freer,
Gaines,
Gaston,
Gillett, Mass.
Gordon,
Graham,
Henry, Tex.
Hepburn,
Hill,
Hoffecker,
Hopkins,
Jenkins,
Joy,
Kerr,
Kitchin,
Knox,
Lacey,
Lane,
Latimer,
Lentz,
Levy,
Lewis,

Lorimer,
Lovering,
McAleer,
McCall,
McDowell,
McRae,
Mahon,
Mann,
May,
Mercer,
Mesick,
Metcalf,
Meyer, La.
Morgan,
Mudd,
Muller,
Naphen,
Newlands,
Noonan,
O'Grady,
Packer, Pa.
Pierce, Tenn.
Pearre,
Phillips,
Prince,
Reeves,
Ridgely,
Rixey,
Robb,
Robertson, La.
Rodenberg,

Russell,
Shackleford,
Showalter,
Sims,
Smith, Ill.
Smith, Ky.
Smith, Samuel W.
Smith, Wm. Alden,
Snodgrass,
Spalding,
Sparkman,
Sprague,
Stallings,
Stevens, Minn.
Sulloway,
Sulzer,
Sutherland,
Tate,
Taylor, Ala.
Thomas, Iowa
Tompkins,
Wachter,
Warner,
Weeks,
Weymouth,
Wilson, N. Y.
Wilson, S. C.
Young.

So the motion to lay the resolution on the table was rejected.
The following pairs were announced:

Until further notice:

Mr. LORIMER with Mr. CUSACK.
Mr. MERCER with Mr. CLAYTON of Alabama.
Mr. PACKER of Pennsylvania with Mr. SULZER.
Mr. YOUNG with Mr. BENTON.
Mr. HILL with Mr. FOX.
Mr. MANN with Mr. JETT.
Mr. REEVES with Mr. SPARKMAN.
Mr. BROMWELL with Mr. McDOWELL.
Mr. MAHON with Mr. OTEY.
Mr. JENKINS with Mr. SMITH of Kentucky.
Mr. KNOX with Mr. HENRY of Texas.
Mr. MCCALL with Mr. GAINES.
Mr. BISHOP with Mr. CAMPBELL.
Mr. DOLLIVER with Mr. ROBB.
Mr. WEYMOUTH with Mr. BROUSSARD.
Mr. BOREING with Mr. FITZPATRICK.
Mr. DOVENER with Mr. CATCHINGS.
Mr. GIBSON with Mr. SIMS.
Mr. THOMAS of Iowa with Mr. COCHRAN of Missouri.
Mr. COCHRANE of New York with Mr. MCRAE.
Mr. PRINCE with Mr. GRIFFITH.
Mr. FLETCHER with Mr. DAVEY.
Mr. PUGH with Mr. TAYLOR of Alabama.
Mr. HEPBURN with Mr. STANLEY W. DAVENPORT.
Mr. DAYTON with Mr. MEYER of Louisiana.
Mr. RUSSELL with Mr. MCCLELLAN.
Mr. MESICK with Mr. BURKE of Texas.
Mr. WM. ALDEN SMITH with Mr. WILSON of South Carolina.
Mr. METCALF with Mr. WHEELER of Kentucky.
Mr. BARTHOLDT with Mr. ROBERTSON of Louisiana.
Mr. GRAHAM with Mr. GASTON.
Mr. SAMUEL W. SMITH with Mr. SUTHERLAND.
Mr. RODENBERG with Mr. PIERCE of Tennessee.
Mr. NEEDHAM with Mr. SNODGRASS.
Mr. COUSINS with Mr. ALLEN of Mississippi.
Mr. HOPKINS with Mr. BAILEY of Texas.
Mr. LACEY with Mr. LITTLE.

Mr. MILLER with Mr. RIDGELY.
Mr. BROWNLOW with Mr. CARMACK.
For this day:
Mr. HOFFECKER with Mr. LEWIS.
Mr. JOY with Mr. SHACKLEFORD.
Mr. MORGAN with Mr. CROWLEY.
Mr. SMITH of Illinois with Mr. GORDON.
Mr. SHOWALTER with Mr. TATE.
Mr. FOSS with Mr. NAPHEN.
Mr. O'GRADY with Mr. FLEMING.
Mr. DAVIDSON with Mr. MULLER.
Mr. PEARRE with Mr. BERRY.
Mr. FORDNEY with Mr. CUMMINGS.
Mr. BOUTELLE of Maine with Mr. NOONAN.
Mr. KERR with Mr. STALLINGS.

On this vote:

Mr. FREER with Mr. LASSITER.
Mr. WACHTER with Mr. MAY.
Mr. SPALDING with Mr. WILSON of New York.
Mr. WEEKS with Mr. COOPER of Texas.
Mr. LOVERING with Mr. FITZGERALD of Massachusetts.
Mr. MUDD with Mr. LENTZ.
Mr. ACHESON with Mr. KITCHIN.

Mr. BABCOCK. I desire to change my vote from "aye" to "no." I voted under a misapprehension, supposing it was the minority report.

The Clerk called Mr. BABCOCK's name, and he voted "no."

Mr. MCCLELLAN. I am paired with the gentleman from Connecticut, Mr. RUSSELL. I therefore desire to change my vote from "aye" to "present."

Mr. ELLIOTT. I desire to change my vote from "no" to "aye."

Mr. JETT. I voted "no." I see that I am paired with my colleague, Mr. MANN, and desire to withdraw my vote and be recorded as "present."

Mr. BENTON. I am paired with the gentleman from Pennsylvania, Mr. YOUNG, and desire to be recorded as "present."

Mr. ALLEN of Mississippi. Mr. Speaker, I am paired with the gentleman from Iowa, Mr. COUSINS, and not knowing how he would vote on this question, I withdraw my vote and ask to be recorded as "present."

Mr. MILLER. I am paired with the gentleman from Kansas, Mr. RIDGELY, but I am satisfied that if he were present, he would vote "no," and for that reason I have taken the liberty to vote.

The SPEAKER. That statement is out of order, and should not be made. It takes up the time of the House unnecessarily.

The result of the vote was announced as above recorded.

Mr. TAWNEY. I now move the passage of the resolution, and on that I ask the previous question.

Mr. McCULLOCH. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. McCULLOCH. I should like to offer an amendment to the resolution.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Minnesota [Mr. TAWNEY] ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on the adoption of the resolution.

Mr. McCULLOCH. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. McCULLOCH. I ask to have my amendment read.

The SPEAKER. Amendments can not be offered now or read. The previous question has been ordered.

Mr. McCULLOCH. I ask unanimous consent that at least the amendment be read.

Mr. PAYNE. Regular order!

The SPEAKER. The regular order is demanded. The question is on agreeing to the resolution.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. ADAMSON (from his seat) demanded a division.

The SPEAKER. The Chair understands a division to be demanded. The gentleman demanding a division will please rise in his place, so that there may be no doubt about the matter.

Mr. ADAMSON. I withdraw the demand.

The SPEAKER. The gentleman withdraws his demand. The ayes have it, and the resolution is agreed to.

ORDER OF BUSINESS.

The SPEAKER. Under the special order made a few days ago this day is devoted to the Committee on Claims. The gentleman from Illinois [Mr. GRAFF] is recognized.

Mr. GRAFF. I move that the House resolve itself into Committee of the Whole for the purpose of considering bills on the Private Calendar in accordance with the special order made by the House, by unanimous consent, on Friday last.

The SPEAKER. The gentleman from Illinois moves that the

House resolve itself into Committee of the Whole House for the further consideration of private bills reported from the Committee on Claims in pursuance of the special order heretofore made.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole on the Private Calendar, with Mr. HEMENWAY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering bills on the Private Calendar reported by the Committee on Claims. The Clerk will report the first bill on the Calendar.

RELIEF OF CERTAIN INTERNAL-REVENUE COLLECTORS.

Mr. GRAFF. I ask unanimous consent of the committee to take up ten bills which were introduced by different members of the House, for the purpose of relieving ten internal-revenue collectors of amounts charged against them unjustly, for stamps which they never received, and which were mistakenly charged against them.

At the time of the passage of the war-tax bill, by reason of the immediate going into effect of that law, the Commissioner of Internal Revenue was compelled, for instance, to use postage stamps in the place of internal-revenue stamps, and he was compelled to work his employees in the office night and day. The result was that mistakes arose regarding the amount of stamps transmitted to these ten different internal-revenue collectors. When the amount was ascertained that was charged against each, the Commissioner of Internal Revenue insisted that each collector should pay the amount charged against him by the Commissioner, and then that the Commissioner should recommend to Congress relief to that amount.

So at the beginning of this session the Commissioner of Internal Revenue transmitted to Congress a document wherein were given the amounts erroneously charged against each of these collectors, ten in number, the aggregate being only about the sum of \$8,000.

Mr. GROSVENOR. I would like to ask the gentleman, if he will allow me, if he has the Senate bill or the House bill?

Mr. GRAFF. I have before me simply these House bills, which were introduced separately, instead of being introduced in the shape of one bill.

Mr. GROSVENOR. I am in entire harmony with the view of the gentleman about these bills; but the Senate has this morning passed one bill to pay all of these claims, and I think that in the course of an hour or two, and perhaps sooner, that bill can be brought into this House and passed.

Mr. GRAFF. If that is true, then I will not ask unanimous consent at this time.

Mr. GROSVENOR. Without losing the right of way, suppose you ask unanimous consent to withdraw these bills.

Mr. GRAFF. These bills are not properly before the committee in regular order. I was about to ask unanimous consent for their consideration out of their order.

Mr. GROSVENOR. I heard the bill pass the Senate myself, and I know it will come over very speedily.

Mr. GRAFF. Then I will not ask unanimous consent at this time, but will wait until the bill from the Senate, which disposes of all of them, comes to the House.

Mr. GROSVENOR. There is a report also with that bill which will explain it.

The CHAIRMAN. Does the gentleman from Illinois withdraw his request?

Mr. GRAFF. In view of the facts stated by the gentleman from Ohio [Mr. GROSVENOR], I withdraw my request.

The CHAIRMAN. The Clerk will report the first bill on the Calendar.

WILLIAM CRAMP & SONS.

Mr. GRAFF. The first bill on the Calendar is Calendar No. 42, H. R. 1605, for the relief of The William Cramp & Sons Ship and Engine Building Company, of Philadelphia, Pa. I now ask unanimous consent that this bill may be passed for this session of Congress without prejudice.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the bill H. R. 1605, No. 42 on the Calendar, be passed without prejudice. Is there objection?

Mr. ZIEGLER. What bill is it that the gentleman refers to?

Mr. GRAFF. For the relief of William Cramp & Sons.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the next bill on the Calendar.

FRANKLIN LEE AND CHARLES F. DUNBAR.

The next business on the Private Calendar was the bill (H. R. 3376) for the relief of Franklin Lee and Charles F. Dunbar.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Franklin Lee, of Buffalo, N. Y., and Charles F. Dunbar, of Erie, Pa., now of Buffalo, N. Y., the sum of \$10,200, the same being for extra blasting of rock in the channel between piers of entrance to

the harbor of Ashtabula, Ohio, performed by them under the direction of Maj. G. L. Gillespie, an officer of the Corps of Engineers, United States Army, and the amount aforesaid is hereby appropriated for the purpose aforesaid out of any money in the Treasury not otherwise appropriated.

Mr. GRAFF. I yield to the gentleman from New York [Mr. ALEXANDER], who introduced this bill.

Mr. ALEXANDER. Mr. Chairman, in August, 1872, the Chief of the United States Engineers made a contract with Messrs. Lee & Dunbar, contractors, residents of Buffalo, N. Y., to blast out certain rock in the channel of the harbor of Ashtabula, Ohio. The contract was duly made and approved, and at the request of the United States engineer in charge the work was continued during the winter. They began in December, and on the 26th of the following February, in 1873, it was discovered that more stone had been blasted than the contract allowed. The work had all been done under the inspection of a United States officer. It was necessary. It had been contracted for with a United States engineer, who informed the contractors that there was sufficient money at his disposal to pay for the same.

When it was discovered, however, on the 26th day of February that more rock had been blasted than was covered by the contract, the United States engineer ordered the work stopped, paid the contractors the full amount of the contract, and measured the balance of the rock blasted, asking that they be compensated by the United States. The contractors put in their bill. It was referred to the Court of Claims under the Bowman Act. The Court of Claims found all the facts; that the work was necessary; that it had been done under the supervision of United States engineers; that it had been done properly, and that it measured 5,100 cubic feet; that under the contract the contractors were to receive \$2.50 a cubic foot, but the Court of Claims reduced the contract price from \$2.50 to \$3. The extra blasting amounted to 5,100 cubic feet, or \$10,200, the amount of this claim.

Now, Mr. Chairman, this claim was presented to Congress about twenty-six years ago, after the Court of Claims had passed upon it favorably, and here it has lain from that day to this. Whenever it has been before the Committee on Claims it has at once been reported unanimously and favorably. It is reported unanimously and favorably to-day, and I hope this House may be willing to pay these men their money, without interest, that has been due them since the winter of 1873. As they say in New England, the bill is as clean as a hound's tooth. It has been submitted to the investigation of the Court of Claims and three Committees on Claims, and the report is unanimous in each instance. They get no interest, but they do want the money for honest work, well performed, under the charge of United States engineers and under the inspection of United States officials.

Mr. LOUD. Will the gentleman yield to a question?

Mr. ALEXANDER. Yes; cheerfully.

Mr. LOUD. I suppose you are thoroughly familiar with this case, in which it appears that all this blasting was done by a subcontractor?

Mr. ALEXANDER. Yes.

Mr. LOUD. Has the subcontractor ever been paid for that extra work?

Mr. ALEXANDER. He has; every cent.

Mr. LOUD. Is that not a material factor in this case? It is not shown—

Mr. ALEXANDER. I do not see how it can be. Nobody has ever paid this but the contractors. Lee & Dunbar have paid the money and are out, and have been out for twenty-eight years. Nobody has a claim against them.

Mr. LOUD. You say that Dunbar & Lee have paid the subcontractor for this additional blasting?

Mr. ALEXANDER. They have told me so within the last forty-eight hours, and no one is owed a dollar upon this claim except Dunbar & Lee.

Mr. LOUD. Might not that be and they never paid the subcontractor, who might have accidentally blown out more rock than the contract called for?

Mr. ALEXANDER. I can only answer the gentleman by saying that these gentlemen are of the highest reputation for honesty. Everybody in Buffalo knows Charles F. Dunbar and Mr. Lee. They are among our best men and largest contractors. They have done much work on the lakes and on Detroit River and in the Sault. They would take nothing wrongfully from Congress any more than they would go into a neighbor's house and steal some silver.

Mr. LOUD. Have you got photographs of these men?

Mr. ALEXANDER. No, I have not; but I could produce one. I could have produced Mr. Lee also yesterday; but he went home last night.

Mr. LOUD. This is an important factor, because here is a condition that might have occurred. These people in many instances, in making contracts to blast out rock, sublet the contract, and the subcontractors are always sure, so as to be certain to get enough rock, to sink their holes deep enough to blow out more than the contract calls for.

Might not the conditions have been these: To be sure of getting the holes deep enough to blow out the amount of the contract, that they did, by extending them lower, blow out some more rock than the contract called for, and the work being done by the subcontractor, it is a material fact to know whether the subcontractor was paid for the additional amount of rock so blown out?

Mr. ALEXANDER. The subcontractors have been paid nothing by the Government. Everything that was paid was paid to Messrs. Dunbar & Lee, and they settled with the subcontractors. No question is raised under the original contract; that has all been paid, fair and square.

Mr. LOUD. I do not think the gentleman understands me.

Mr. ALEXANDER. Yes, I do.

Mr. LOUD. The question is whether the subcontractor has ever been paid for the additional work that the contractor wants to get paid for, or whether he was simply paid for his contract by the contractor, which was to blow out 5,000 cubic feet of rock.

Mr. ALEXANDER. The Government has paid nothing except what was covered by the original contract.

Mr. LOUD. I understand that.

Mr. ALEXANDER. Nobody has received anything more. The subcontractor makes no claim.

Mr. LOUD. The subcontractor could not put in any claim, for he is not a factor with the Government. Let me suppose a case, unless the gentleman is satisfied that the facts are to the contrary.

Mr. ALEXANDER. I am satisfied.

Mr. LOUD. Suppose Dunbar & Lee entered into a contract with the subcontractor, who does not appear here, to blast out 5,000 cubic yards of rock for a stipulated sum, say ten or twelve thousand dollars; probably they did not pay the subcontractor any more than the contract called for. Now, the subcontractor in the performance of his work—the contractor had nothing to do with it—sinks his holes so low that he blows out a lot more rock than the contract calls for. I would like to know, first, whether the contractors themselves did pay this subcontractor so much per cubic yard for additional amount of rock blown out.

Mr. ALEXANDER. I can only say to the gentleman from California what Dunbar & Lee have said to me, personally, over and over again, that they have been compelled to pay for every penny of work done for this extra work, amounting to fifty-one hundred cubic yards. I did not ask them to whom they paid it, but they said, "We have paid \$10,200 and been out of that amount for twenty-seven years. We would not allow anyone to lose anything because we had to lose through the Government's delay in paying us."

Now, I would be willing, knowing these men as I have for so many years, to give a bond that that is absolutely true; that they have paid for every dollar of this work.

Mr. LOUD. It seems to me that this is an important factor in the case, and yet it is not mentioned in the report. Now, if it should appear—which I say from what I know of the method of doing business—if it should appear that the subcontractor has only got what his contract called for, notwithstanding he blew out a great deal of additional rock, it would be hardly proper to pay the contractor because, perchance, there was more rock blown out than the contract called for. That would be a material factor in the case, and there is nothing in the evidence to show how it was.

Mr. ALEXANDER. I do not believe it is possible that there has been anything done of that kind. This has gone through three Committees on Claims of the House, and it has gone through the Court of Claims.

Mr. LOUD. It is evident that the committee never investigated this question, or they would have reported upon it.

Mr. ALEXANDER. Possibly not; but the Court of Claims gave the matter the most careful investigation, and their report is set out in extenso on pages 2 and 3 of the report.

Mr. LOUD. The Court of Claims only found so much rock blown out—they make no recommendation. The findings of the Court of Claims do not amount to much. It is simply a recital of a condition existent. If that be true, that by accident the subcontractor had blown out more than his contract called for, it would hardly seem probable that the contractor himself would have paid the subcontractor; but if he did, there is no doubt but what there is a just claim, because the Government, it seems, did derive some advantage from the work. But if the subcontractor has not been paid, then the contractor should not be paid. I think the gentleman from New York will admit that.

Mr. ALEXANDER. I will say to the gentleman that before the matter reaches the Senate I will have an affidavit drawn by Dunbar & Lee covering that matter, and have it printed with the papers.

The bill was laid aside to be reported to the House with a favorable recommendation.

UNION IRON WORKS, OF SAN FRANCISCO.

The next business on the Private Calendar was the bill (H. R. 460) for the relief of the Union Iron Works, of San Francisco, Cal.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized, as recommended by his Department, to remit to the Union Iron Works, of San Francisco, Cal., the horsepower penalty imposed under the contract for the armored coast-defense vessel *Monterey*; and the sum of \$32,823 is hereby appropriated for that purpose.

Mr. GRAFF. I yield to the gentleman from California (Mr. KAHN), who, I believe, introduced this bill.

Mr. KAHN. Mr. Chairman, this bill carries with it no appropriation. It simply authorizes the Secretary of the Navy to remit to the builders of the *Monterey* the sum of \$32,823, which was deducted from the contract price of the vessel because of the technical failure of the vessel on the trial trip to come up to the horsepower requirement under forced draft. The *Monterey* has been accepted by the Government. She has been found eminently seaworthy. She is the first monitor that ever crossed an ocean, and Admiral Dewey, in speaking to the California delegation recently, said that she was of material benefit to him in the battle of Manila, August 12, 1898.

This bill is recommended by the Secretary of the Navy and has been unanimously reported by the Committee on Claims. There is precedent for action of this kind. This is the first time that the Union Iron Works, of San Francisco, has come to Congress to get relief of this sort, but on other occasions Congress has granted relief of a similar nature. In the case of the *Petrel*, built by the Columbus Iron Works, at Baltimore, Md., similar relief was granted.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. KAHN. Certainly.

Mr. BARTLETT. I understand from the gentleman's statement and from the report in this case that the bill does not add to the agreed price of this monitor at all, but simply requires the Government to pay the full price that it agreed to pay.

Mr. KAHN. Exactly.

Mr. BARTLETT. In other words, the bill does not take anything out of the Treasury except what the Government originally promised to pay.

Mr. KAHN. That is it exactly.

In the case of the *Vesuvius*, built by William Cramp & Sons, of Philadelphia, Congress remitted the penalty. In the case of the *Pansy*, built for the Light-House Service by Bayard, Houston & Co.; in the cases also of the *Yorktown*, the *Baltimore*, the *Philadelphia*, and the *Newark*, Congress remitted the penalty. In the cases also of the *Concord* and the *Bennington*, built by N. F. Palmer & Co., Congress remitted the penalty.

Mr. FITZGERALD of New York. Mr. Chairman, I regret that I can not agree with my friend from California [Mr. KAHN] as to the propriety of passing this bill. This is a bill to remit a penalty incurred under a contract. The contract provided that in case the horsepower indicated in the contract should not be developed upon the trial trip a certain portion of the contract price should be forfeited for each horsepower stipulated for and not attained. As I understand, the contract also provided that in case horsepower in excess of that required by the contract should be developed a bonus would be paid to the company.

These trial trips are under the control of the company building the ship; but the Department has always reimbursed the company for the expense of such a trip. This trial trip was held in conformity with the provisions of the contract. The vessel did not develop the horsepower required by the contract, and under the provisions of the contract the Secretary of the Navy was compelled to withhold a certain sum.

The opinions of a number of bureau officials exist to the effect that the horsepower required by the contract could have been developed under certain conditions which did not here exist. It was within the power of this company to secure satisfactory or competent firemen and to make whatever other provision might have been necessary to make this trial trip a success. The expense would have been borne by the Government.

It does not appear to me proper that, after providing in the contract for the trial trip, and the company not fulfilling the requirements of the contract upon that trip, the Government should remit the penalty for the failure to comply with the contract.

I have not investigated the cases which are cited in the report of the committee. If the penalties in these cases were remitted under circumstances similar to this, I can not agree that it was the proper thing to do. If the circumstances were not similar, the cases do not stand here as precedents. But it seems to me foolish on the part of this Government to enter into contracts imposing penalties for the nonfulfillment of such contract and then to have Congress vote to remit the penalties upon the mere opinion of some official that under certain conditions the contract requirements might have been met.

Mr. GRAFF. I yield to the gentleman from California [Mr. NEEDHAM] who reported this bill.

Mr. NEEDHAM. Mr. Chairman, I sincerely hope that this bill will pass. It has been unanimously reported by the committee,

although the gentleman from New York [Mr. FITZGERALD] was not present, I believe, at the time the bill was considered.

The bill simply provides for the remission of a penalty which was technically assessed against this company. The facts developed were that under the contract the vessel was required to maintain a certain horsepower for four hours. It was developed upon the trial that the ship did maintain the required horsepower for nearly two hours, and the failure to develop it for four hours was caused by the fact that there could not be found upon the Pacific coast efficient firemen who understood properly the art of firing.

The board that had in charge the vessel at the time of the trial trip recommended that the Secretary of the Navy should pay the full contract price, notwithstanding this technical failure of the ship; but the Secretary of the Navy, after a full investigation, came to the conclusion that he had not that power under the contract.

And the board further found that the vessel subsequently did maintain this horsepower for more than the required length of time.

Mr. FITZGERALD of New York. I wish to say that that has not appeared—

Mr. NEEDHAM. That did appear in the testimony submitted by the board having in charge the vessel at the time of the trial trip, and that board recommended that the Secretary of the Navy should pay the full contract price, notwithstanding that there was a technical failure to meet all the requirements of this very rigid contract. This vessel was accepted and has given eminent satisfaction. This is the first time that this company has ever come to Congress with a case of this kind, and we all know, Mr. Chairman, that these trials are of the severest character, and that frequently a vessel may technically meet the requirements at a trial at the cost of a weakening of the machinery of the vessel, and the contractors thus obtain from the Government the full contract price. But this board found that the machinery of this vessel was in every particular more than ordinary; that it was excellent in every respect. It seems to me, Mr. Chairman, in view of the precedents which Congress has established, that it would be only fair and right that we should remit this penalty in this case.

Mr. GRAFF. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. The Chair will call the attention of the gentleman from Illinois to the fact that there is a committee amendment.

Mr. GRAFF. I ask for a vote on the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOSEPH H. PENNY AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 6038) for the relief of Joseph H. Penny, John W. Penny, Thomas Penny, and Harvey Penny, surviving partners of Penny & Sons.

Mr. GRAFF. Mr. Chairman, I desire to say that this bill is reported by the gentleman from Iowa [Mr. THOMAS] and introduced by him. I myself do not feel familiar with the claim, and unless some other member of the committee does I will ask that it may be passed without prejudice.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the bill H. R. 6038 be passed without prejudice. Is there objection?

There was no objection.

GENERAL MARINE INSURANCE COMPANY, OF DRESDEN.

The next business on the Private Calendar was the bill (H. R. 213) to pay the General Marine Insurance Company, of Dresden, the sum of \$1,434.12 for certain coupons detached from United States bonds, which said coupons were lost on the Cunard steamship *Oregon*, sunk at sea March 14, 1886.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the General Marine Insurance Company, of Dresden, the sum of \$1,434.12, in full payment for the following-described coupons detached from United States bonds, which said coupons were lost on the Cunard steamship *Oregon*, sunk at sea March 14, 1886, to wit:

United States 4 per cent loan of 1891, coupons \$5.62 each, due March 1, 1886, numbered:

343, 1049, 1219 to 1222 inclusive, 1225, 1230, 1499, 3102 to 3108 inclusive, 3706 to 3708 inclusive, 3783, 4557, 4558, 5143 to 5167 inclusive, 5616 to 5619 inclusive, 5675, 5927, 5928, 9510, 11362.

United States 4 per cent loan of 1891, coupons \$11.25 each, due March 1, 1886, numbered:

1525, 7229, 7487, 8451, 8852, 12689, 14733, 21381, 29071, 31545, 32388 to 32391 inclusive, 32392 to 32400 inclusive, 33313, 33314, 33350 to 33353 inclusive, 35154, 35155, 35335, 35915 to 35924 inclusive, 38144, 38145, 39157, 43837, 44599, 44600, 44965, 44966, 44968 to 44972 inclusive, 45034, 45238, 46175, 46176, 47402, 47403, 47594, 51199, 52147, 52148, 52209, 52511, 52515, 52516, 52528, 52587, 52827 to 52831 inclusive, 54508, 54509, 54513, 54520 to 54524 inclusive, 55200, 55398, 55399, 55396, 56076, 56129, 56317, 56461, 68376, 68390, 76840, 76841, 80420, 80548, 80630 to 80632 inclusive, 105183.

Provided, That before the redemption of said coupons the said General Marine Insurance Company, of Dresden, shall execute, or cause to be executed, and deposit with the Secretary of the Treasury, a bond of indemnity, with good and sufficient security, subject to the approval of said Secretary, to secure the United States against loss or damage in consequence of the redemption of said coupons.

The following amendment, recommended by the Committee on Claims, was read:

After "indemnity," in line 4, page 3, insert "in double the face value of the coupons."

Mr. SOUTHARD. Mr. Chairman, Senate bill 392 is identical in form with this bill. I move that that bill be substituted for the House bill and that the House bill lie upon the table.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that Senate bill 392 be substituted for the House bill. Is there objection?

There was no objection.

Mr. SOUTHARD. Mr. Chairman, this is a bill to pay the General Marine Insurance Company, of Dresden, the sum of \$1,434.12 for certain coupons detached from United States bonds, which coupons were lost at sea by the sinking of the steamer *Oregon*, of the Cunard Steamship Company. My recollection is that this occurred March 14, 1886. The proofs are all complete. We have here the receipt of Anna Schapp, properly acknowledged, indicating that this insurance company have paid the amount of the coupons to the insured. We also have the affidavit of Anna Schapp that on the 5th day of March, 1886, she deposited these coupons at the post-office at the city of Amsterdam, in package No. 981, addressed to J. A. Horsey, post-office box 2079, New York City, U. S. A., and that said coupons were mailed as aforesaid for collection.

There is no question about the sinking of the steamship, no question but that these coupons were mailed for collection, no doubt that they were lost, and, as I said, the proofs are all complete. A bill similar to this passed Congress in 1898 in favor of another claimant who sustained a loss of coupons by reason of this same disaster, the sinking of this same ship *Oregon*. We have a letter from the Secretary of the Treasury indicating that these coupons remain unpaid. The bill provides for the protection of the Government in case of their payment, and we can see no reason why this bill should not pass or how any objection can be offered to it.

Mr. BUTLER. I ask unanimous consent that the House bill (H. R. 6038) be reported back with the recommendation that it lie upon the table.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the House bill be reported with the recommendation that it lie upon the table. Is there objection?

There was no objection.

The bill S. 392 was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

CHARLES M. KENNERLY.

Mr. GRAFF. The next bill on the Private Calendar, No. 110 (H. R. 5220), for the relief of Charles M. Kennerly. It was introduced by the gentleman from Tennessee [Mr. SIMS] and reported by the gentleman from Missouri [Mr. ROBB], a member of the Committee on Claims. I see neither of these two gentlemen on the floor, and I therefore ask that the bill may be passed without prejudice.

The CHAIRMAN. The gentleman from Illinois asks that the bill H. R. 5220 be passed without prejudice. Is there objection?

Mr. RICHARDSON. I should like to have the title reported.

The Clerk read as follows:

A bill (H. R. 5220) for the relief of Charles M. Kennerly.

Mr. GRAFF. I will state to the gentleman from Tennessee that I voted against the recommendation of the committee, and yet I do not feel like opposing the measure when Mr. ROBB, a member of my own committee, is not here, and when the gentleman from Tennessee [Mr. SIMS] is not here. So I thought the fairest way to do was to ask that the bill be passed without prejudice.

Mr. LITTLE. What is the Calendar number of the bill?

The CHAIRMAN. No. 110.

Mr. LITTLE. How have we reached Calendar No. 110?

The CHAIRMAN. It has been reached in the regular order.

Mr. GRAFF. It has been reached in the regular order, I will say to the gentleman from Arkansas, and I thought the fairest thing to the people who are interested in the bill, as long as they are not here, is to have it passed without prejudice.

Mr. LITTLE. I will ask how Calendar No. 79 was passed? It has not been considered by the committee.

Mr. GRAFF. I advise the gentleman to look at the date of his Calendar.

Mr. LITTLE. My Calendar is dated May 7.

Mr. GRAFF. I think the gentleman is not looking at the Private Calendar.

Mr. LITTLE. That is correct.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

EDWIN L. FIELD.

The next business on the Private Calendar was the bill (H. R. 150) for the relief of Edwin L. Field, of Gray, Cumberland County, Me.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Edwin L. Field, of Gray, Me., \$3,700, out of any money in the Treasury not otherwise appropriated, being the amount of a judgment against him recovered by James R. Atkins, for personal injuries sustained by the parting of a guy to a derrick owned by the United States, while being used by the War Department in the construction of the two-gun battery at Portland Head, in the town of Cape Elizabeth, Me., provided said Field produces evidence satisfactory to said Secretary that he has paid said judgment.

Mr. GRAFF. Mr. Chairman, I yield to the gentleman from Virginia [Mr. OTEY], a member of the committee.

Mr. OTEY. Mr. Chairman, this is a bill for the relief of Edwin M. Field, who was for five years in the employ of the United States Government as master workman. A derrick fell on J. R. Atkins, and he was injured seriously and permanently, and Field had to pay the damages for the injury. It was Government work. The matter has been referred to all the officers of the Department, the Secretary of War, the proper legal officer, and is fully covered in the report. Unless it is desired to go over the whole report, I move the bill be favorably reported. I can only say that the committee were unanimous in their recommendation that the bill pass.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN M. MARTIN.

The next business on the Private Calendar was the bill (H. R. 3044) for the relief of John M. Martin, of Ocala, Fla.

The bill was read, as follows:

Be it enacted, etc., That the Treasurer of the United States do pay to John M. Martin, of Ocala, Fla., out of any funds not otherwise appropriated, the sum of \$212.53, which was deposited by said John M. Martin as postmaster at Ocala, Fla., in the Merchants' National Bank of Ocala, the same being post-office funds and lost by the failure of said bank, the money having been paid and made good to the Government by said Martin: *Provided*, That there shall be deducted from the above sum any dividend which said Martin may have received from the receiver of said bank: *And provided further*, That said Martin shall assign to the Government all claims he may have against said bank on account of said deposit.

Mr. GRAFF. I yield to the gentleman from Florida [Mr. DAVIS], who introduced the bill.

Mr. DAVIS. Mr. Chairman, the bill just read has been reported unanimously, favorably, by the Committee on Claims. Mr. Martin had deposited some post-office money in the national bank in the town in which he resides. It was the only depository available to him and the only means he had of taking care of the post-office money of the Government. The bank failed. The amount of money named in this bill had been deposited by Mr. Martin as postmaster. He was required, as a matter of course, to make good the money to the Government. He had been a faithful postmaster.

The matter was presented to the Post-Office Department, and they determined that, while the claim was meritorious, there was no means by which it could be paid except by legislation. The matter was considered by the Committee on Claims, and they have seen fit to give it a favorable recommendation. The Postmaster-General himself says in his letter that if claims of this character are to be recognized at all, he knows of no claim more meritorious than this one. I ask, therefore, that it may receive favorable action here.

Mr. GRAFF. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

AARON VAN CAMP AND VIRGINIUS P. CHAPIN.

The next business on the Private Calendar was the bill (H. R. 4303) for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin.

The bill was read, as follows:

Be it enacted, etc., That the claim of Aaron Van Camp and Virginius P. Chapin against the United States (Congressional case No. 1049), the findings of fact in which were transmitted to the House of Representatives by House Miscellaneous Document No. 81, Fifty-first Congress, second session, is hereby referred to the Court of Claims, to hear and determine the question of the liability of the United States for the losses found by said court in its said sixth finding of fact, with jurisdiction to hear and determine the same upon the principles of law and equity and in compliance with the rules and regulations of said court.

And in the event the said court shall be of the opinion that the United States is justly liable, under all the circumstances of the said case, for the losses and damages sustained by the said decedents by reason of the acts of their officers in the premises, the said court shall render judgment in favor of the claimants for the amount found to be due by its sixth finding of fact in the said Congressional case No. 1049, as set forth in the report of the said court to the Speaker of the House of Representatives on January 8, 1891: *Provided*, That no statute of limitations shall be pleaded in bar of the recovery of said claim: *And provided further*, That in determining the question of the liability of the United States the said court shall consider the testimony submitted to it in the investigation of said Congressional case No. 1049, together with all affidavits, documents, and reports of Congressional committees touching the question of liability of the United States and heretofore filed in any of the Departments of the Government; also the reports of officers of the State and Treasury Departments of the United States in the settlements of accounts of the officers of the United States in connection with the said claim.

And furthermore, that if the judgment shall be rendered against the United States for the amount found and fixed by said court in said sixth

finding of fact, to wit, the sum of \$90,100, the same shall be paid, out of any money in the Treasury of the United States not otherwise appropriated, to the legal representatives of the said Aaron Van Camp, deceased, and the said Virginius P. Chapin, deceased, as their respective interests may appear, and the new action to be brought under the provisions of this act shall be in the name of said legal representatives.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "claim," in line 11, page 2, down to and including the word "claim," in line 21, on same page.

Mr. GRAFF. I yield to the gentleman from California, a member of the committee, who reported this bill to the House.

Mr. NEEDHAM. Mr. Chairman, as I remember this case, it was submitted to the Court of Claims once, but the court failed to find upon the question of liability of the United States; and this simply provides that the case shall be resubmitted, in accordance with the former action of Congress, for the purpose of finding upon this one question that the finding of the Court of Claims was silent upon. As I remember the case, it is just simply to supply that deficiency upon which the Court of Claims failed to find in the former submission. I move that the bill be laid aside with a favorable recommendation.

Mr. PAYNE. Mr. Chairman, I did not understand what the gentleman said. If the report is not too long, I would like to hear it read.

The Clerk proceeded to read the report.

Mr. GRAFF. Mr. Chairman, I ask unanimous consent that this bill may be passed without prejudice; the report is so long, and I am not familiar enough with the case to make a statement.

The CHAIRMAN. The gentleman from Illinois asks that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

W. H. L. PEPPERELL.

The next business on the Private Calendar was the bill (S. 1284) for the relief of W. H. L. Pepperell, of Concordia, Kans.

The bill was read, as follows:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to cause the accounts of W. H. L. Pepperell, late postmaster at Concordia, State of Kansas, to be credited with the sum of \$1,545, and that he cause said credit to be certified to the Auditor of the Treasury for the Post-Office Department, being on account of the loss of \$1,345 in postage stamps and \$200 in postal funds stolen from said post-office on August 27, 1887, it appearing that said loss was without fault or negligence on the part of said late postmaster; and the said sum of \$1,545 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to pay said claim.

Mr. CALDERHEAD. Mr. Chairman, I did not introduce the bill. It is a Senate bill, introduced by Senator BAKER, of Kansas; but, as the bill states, it is a claim for a loss by the postmaster. The loss occurred in 1887, by a burglary. Immediately afterwards he reimbursed the Department for the loss. A similar bill passed the Senate in the Fifty-second Congress; a similar bill passed the House in the Fifty-third Congress; the same kind of a bill passed the Senate in the Fifty-fourth Congress, and I think in the Fifty-fifth Congress. It has been favorably reported by every committee that has ever considered it. It has twice or three times passed the Senate and once the House, without either occurring in the same Congress.

There is a letter from the Auditor of the Department stating that under the construction given to the statute now if this claim was before him de novo he would allow it; but following the rule on the subject, they refused to reverse the ruling of their predecessors. I think there is no question but what the claim is entirely just, and I will state that I am personally acquainted with the claimant.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN C. BATES AND JONATHAN A. YECKLEY.

The next business on the Private Calendar was the bill (H. R. 2824) to pay certain judgments against John C. Bates and Jonathan A. Yekley, captain and first lieutenant in the United States Army, for acts done by them under orders of their superior officers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, directed to pay, out of any moneys in the Treasury not otherwise appropriated, a certain judgment against Capt. John C. Bates and Lieut. Jonathan A. Yekley, United States Army, as defendants in an action brought against them by W. N. Belmont Clark and W. Ward Bill, as plaintiffs, for acts done by said defendants in compliance with orders of their superior officers; said judgment having been rendered in the Third judicial district court of Dakota Territory and affirmed upon writ of error to the Supreme Court of the United States, amounting to \$2,416.66, and costs in the court below to \$16.58, and costs in the Supreme Court to \$26.62. And the Secretary of the Treasury is likewise directed to pay the two several judgments in favor of W. Ward Bill and W. N. Belmont Clark, respectively, against the aforesaid defendant, Capt. John C. Bates, United States Army, arising out of the same transaction, for the sum of \$971.83, and \$16.58 costs in each case; said judgments having been rendered by the Third judicial district court of Dakota Territory, at the same time and place as the aforesaid judgment affirmed by the Supreme Court of the United States, no writ of error having been filed in said judgments, the same questions being involved as in the aforesaid judgment

appealed to the Supreme Court of the United States, with interest upon all of said judgments according to law.

Mr. SOUTHARD. Mr. Chairman, the facts in this case are, as far as I can recollect, beyond dispute. This bill is to provide for the payment of certain judgments against John C. Bates and Jonathan A. Yeckley, that came first to the Territorial court and were affirmed in the United States courts, for the destruction of certain property. The destruction of property was, of course, by order and direction of the officers of the Army. John C. Bates was a captain and Jonathan A. Yeckley was a first lieutenant in the Army. They were in charge of a station out there, and they were directed to enforce the provisions of a certain statute which forbade the sale of liquor to Indians in the Indian country out there. They seized the store of W. N. B. Clark and W. W. Bill, who, as I understand, were partners conducting a sort of general store out there.

Among other things they sold liquor. The testimony, however, indicates that liquor formed a very small part of their stock in trade; but they had some liquor, which they were selling, doubtless, to the Indians. It was determined, however, in the Territorial court—and afterwards the same question was redetermined in the United States court, and afterwards it went to the Supreme Court—that the territory in which they were selling liquor was not the Indian country. It was outside of the border land. It was where, in other words, they had the right to sell liquor. The place where they were selling the liquor did not make it in contravention of law. They obtained judgment in the Territorial court; that was taken to the United States court, and judgment was rendered in one or two cases against these officers of the Army. The orders directing these officers to enforce this law were before the committee, and all the correspondence, etc., making this very clear.

The other cases being precisely similar in character, the affirmation of judgment in the United States court went off on the same line, evidently as a matter of course. These judgments are still unpaid. So far as we can ascertain, they are in full force as against these officers, Yeckley and Bates. They have not been able to collect them, however, and the purpose of this bill is to satisfy these judgments. Doubtless if these officers were good, they would be obliged to satisfy the judgment. Whether they are or not I do not know, but, in any event, they did it under the express orders of their superior officers, and they ought not to be made to stand the burdens which will come to them in that way. The committee, so far as I recollect, were unanimous in making this report. I ask that the bill be laid aside with a favorable recommendation.

The question was taken; and the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY A. SWIFT.

The next business on the Private Calendar was the bill (H. R. 6749) for the relief of Mary A. Swift.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of \$12,000 be, and is hereby, appropriated, out of the money in the Treasury not otherwise appropriated, for the relief of Mary A. Swift, widow of the late John F. Swift, envoy extraordinary and minister plenipotentiary to Japan, said amount being the salary allowed by law to the above-named office for one year.

Mr. GRAFF. Mr. Chairman, I yield to the gentleman from New York [Mr. SULZER], who introduced the bill.

Mr. SULZER. Mr. Chairman, the bill explains itself. There is nothing of especial importance to be said in regard to it. It is a very just measure, and in accordance with the precedents of the Government. The report, I am informed, is the unanimous judgment of the committee, and the report tells the whole story. In all cases of this kind, I understand, a bill such as this has been introduced and passed. There can be and there should be no valid objection to it, and I trust it will pass. The Senate has passed the bill, and I ask that the Senate bill be substituted.

Mr. CANNON. I do not understand exactly what this is; the gentleman may be correct.

Mr. SULZER. I ask to have the report read. It is a unanimous report. The report gives all the facts.

Mr. CANNON. I want to know about the precedents. This seems to be for a year's salary to the widow of a diplomatic official after he is dead. Is that right?

Mr. SULZER. That is right, substantially, and there are many precedents. Let the report of the committee be read.

Mr. CANNON. I do not understand that that is the rule.

The CHAIRMAN. The report will be read in the time of the gentleman from New York.

The Clerk read as follows:

The Committee on Claims, to whom was referred the bill (H. R. 6749) for the relief of Mary A. Swift, submit the following report:
This bill was favorably reported in the Fifty-fifth Congress by the Committee on Foreign Relations of the Senate and Committee on Claims, House of Representatives. Those reports are recommended for adoption by this committee.

[House Report No. 2038, Fifty-fifth Congress, third session.]

The Committee on Claims, to whom was referred the bill (S. 3119) for the relief of Mary A. Swift, submit the following report:

This bill is the same as H. R. 8765, now pending in the House and previously reported by this committee with a favorable recommendation.

Your committee therefore recommend that this bill be substituted for said House bill and that said House bill lie on the table.

[Senate Report No. 1411, Fifty-fifth Congress, second session.]

The Committee on Foreign Relations, to whom was referred the bill (S. 3119) for the relief of Mary A. Swift, having had the same under consideration, beg leave to submit the following report:

This bill is now before the committee for the fourth time, and the views of the committee upon the subject are embraced in the report made from this committee by Mr. Cameron in the first session of the Fifty-fourth Congress, which was as follows:

Upon an examination of the Journals of both Houses of Congress your committee find that in the first session Fifty-second Congress a bill was favorably reported from the Committee on Foreign Affairs of the House for the relief of Mrs. Mary A. Swift (House Report No. 1061), but failed to receive the action of that body during that Congress.

In the same session and Congress a bill for the relief of the same claimant was favorably reported by Mr. DAVIS, of Minnesota, from the Senate Committee on Foreign Relations (Senate Report No. 810).

The bill also failed of action in the Senate during that Congress.

Again, in the second session, Fifty-third Congress, a similar bill was favorably reported by Mr. DANIEL, of Virginia, from the Committee on Foreign Relations (Senate Report No. 319). It again failed to receive action in the Senate during that Congress.

Your committee, upon a further consideration of the subject (which comes before it for the third time), affirms its previous action, recommends the passage of the bill, and adopts the former report as the basis of its present action.

The report heretofore made by the committee in two previous Congresses is as follows:

"The bill under consideration is for the relief of Mary A. Swift, widow of the late Hon. John F. Swift, who was appointed envoy extraordinary and minister plenipotentiary of the United States to Japan March 16, 1880, and died in that country during the second year of his incumbency of that office, March 10, 1891. The bill appropriates \$12,000 to the beneficiary, being the amount of one year's salary.

"There have been many precedents in our diplomatic history where action has been taken by Congress corresponding to that provided for in this bill. Those most readily occurring to the committee include the widows of General Hurlbut and Seth Ledyard Phelps, ministers to Peru in different years; General Kilpatrick, minister to Chile, and Rev. Henry Highland Garnett, minister to Liberia, to each of whom payments were made of a full year's salary, together with many other instances in which smaller payments were authorized, to correspond with circumstances of lesser exigency. But the committee has not been able to find any case in which the conditions call for more liberal treatment than that under consideration.

"At the time of the appointment of Mr. Swift, Japan, under the guidance of enlightened rulers, was groping through the darkness of centuries of Eastern absolutism toward the light and blessings of representative government. This fact, and the fact that this wonderful people looked to ours for inspiration and example, led to the selection as minister of Mr. Swift, of California, not merely as a gentleman of high and peculiar qualifications for the mission, but as a resident of the American State most closely allied to that country in nearness and commercial relations.

"It will be remembered that, while a more liberal policy has recently obtained, the sections of their cities within which foreigners were permitted to reside were limited to small areas, called 'concessions.' The house of the American legation was held by lease in the 'concession' at Tokyo, an unhealthy locality, where malaria had developed typhoid fever, causing death at the legation. When Mr. Swift arrived this house was uninhabitable from defective drainage and other sanitary imperfections, necessitating a large expenditure to make it fit for occupancy.

"After Mr. Swift had occupied it only three months the property was sold, a renewal of the lease was denied, and the new owners demanded and were allowed immediate possession. It thus became necessary to seek new quarters, and a site was chosen near the legations of the other great powers, and Mr. Swift contracted with a wealthy Japanese for the building of the new legation. After the building was about two-thirds completed the Japanese Government bought the entire place without consulting the American minister and made a tender of it to the United States Government, with the condition that the United States would purchase the house at a cost of \$30,000.

"The work on the house was discontinued, the foreign office of Japan claiming that it was the business of the contractor to finish it, while the contractor claimed that, as the property had been bought by the Japanese Government, it was their business to complete it. Having been turned out of the old legation and not being able to live in an unfinished house, it became necessary to finish the house or that Mr. Swift should resign his position as minister to Japan, for the reason that it was necessary to prevent a rupture with the foreign office of the country to which he was accredited.

"To complete and furnish the house and office for the legation Mr. Swift was obliged to spend several thousand dollars of his private fortune, which, in consideration of the peculiar complications involved, he expected would be reimbursed to him by the foreign office or his own Government. His sudden death prevented these adjustments and subjected his estate and his widow to almost the total loss of these expenditures.

"The committee considers it equitable and just to take into account these facts, which have been furnished for its information by official and other authority, as well as the peculiar laws and customs of the country to which Minister Swift was accredited, and the circumstances which rendered it necessary to avoid complications with the Japanese Government while seeking to extend the friendly and commercial relations he was sent there to promote, and it therefore reports the bill for favorable consideration and recommends its passage."

"PRECEDENTS."

"Special allowances by Congress to widows of diplomatic representatives who died abroad have been made as follows, as shown by the chief of accounts of the Department of State:

"Widow of Bayard Taylor, who died while minister to Germany, \$7,000. (Act of March 3, 1879.)

"Widow of General Hurlbut, who died while minister to Peru, one year's salary. (Joint resolution of July 23, 1882.)

"Widow of General Kilpatrick, who died while minister to Chile, one year's salary. (Joint resolution of July 23, 1882.)

"Widow of Rev. Henry Highland Garnett, who died while minister to Liberia, one year's salary. (Joint resolution, August 1, 1882.)

"Widow of George P. Marsh, who died while minister to Italy, balance of one year's salary. (Deficiency act, March 3, 1883.)

"Widow of William E. Venable, who died while minister to Guatemala in 1857. \$5,636.87, the balance of one year's salary. (Act of December 23, 1884.)

"Widow of E. Rumsey Wing, who died while minister to Ecuador, six months' salary. (Deficiency act, March 3, 1885.)

"Widow of William H. Hunt, who died while minister to Russia, six months' salary. (Deficiency act, March 3, 1885.)

"Widow of Seth Ledyard Phelps, who died while minister to Peru, \$10,000, one year's salary. (Act of August 3, 1886.)

"Widow of Moses A. Hopkins, who died while minister to Liberia, \$2,500, six months' salary. (Deficiency act, March 2, 1889.)"

Mr. CANNON. This gives \$12,000, one year's salary, as I understand it?

Mr. SULZER. Yes; that is correct. If you listened to the reading of the report, you must realize it is a most worthy case.

Mr. CANNON. This breaks the record. It is generally six months' salary and the balance of the salary due. The widow of Mr. Venable was given \$5,600, the balance of one year's salary. I do not know, of course, anything about this myself; but it seems to put it on the ground, however, that there was an equity outside.

Mr. SULZER. I trust the gentleman will raise no objection. There are equities in the case, as you will see from the report, and the custom has invariably been to give the widow one year's salary, but this is a stronger case.

Mr. CANNON. My friend asks me not to raise any objection. I do not know where the line ought to be drawn in giving a year's salary to widows of Government officials. We have got 90,000 postmasters, about 300,000 officeholders in the United States. There is no legislation giving any of them a year's salary or any salary after their death. It would look as if there ought to be some limit placed upon it. Of course there is plenary power in Congress to give \$12,000 or \$12,000,000 or nothing. I know it is ungracious to oppose a bill that seeks to give \$12,000 to a poor widow, or one that is not poor. It seems this official died ten years ago.

Mr. SULZER. Hon. John F. Swift was appointed minister to Japan in 1889, and died in the service of the Government March 10, 1891. This case is different from those imagined by the gentleman from Illinois.

Mr. CANNON. The precedents seem to be to give six months' salary, and I would suggest to the gentleman that he make it \$3,000.

Mr. SULZER. That is manifestly unfair, and I trust the gentleman will not insist on it. Mr. Chairman, this is a very worthy case. This high diplomatic officer of the Government died in the service of his country; died in the performance of his duty; died for his country just as much as a soldier dies for his country on the field of battle. This bill has passed the Senate—passed, I am told, unanimously; and now to amend it means its defeat this session.

Mr. CANNON. I want to suggest to my friend that there are probably fifteen or twenty million citizens anxious to die in the same way. [Laughter.]

Mr. SULZER. Well, be that as it may, I trust, however, that when the distinguished gentleman from Illinois passes away, in good time let us hope that no member of Congress will be unkind enough to raise an objection to his widow getting the balance of his salary.

Mr. CANNON. The rule is as to Members of Congress, just ordinary Members of Congress and Senators, to give the remaining salary, not exceeding \$5,000. There have been many deaths of members in this House, and some on the Senate side, and the rule is—there is no law for it, but it has passed substantially into a precedent—to give to the widow not exceeding \$5,000.

Mr. BROSIUS. The remainder of a year's salary or the remainder of the salary for the term?

Mr. CANNON. The remainder of his salary for the term, not to exceed \$5,000.

Mr. BROSIUS. Suppose the term has elapsed to within a month.

Mr. CANNON. Then only a month's salary.

Mr. GRAFF. I want to say, Mr. Chairman, that I quite agree with the gentleman from Illinois, and if this was an original proposition I would be opposed to it, but the only excuse for it is that this man was a high officer of the United States and held a very distinguished position.

I think it was a very unfortunate remark on the part of the gentleman from New York [Mr. SULZER] to compare the official services of this gentleman with those of an officer dying on the field of battle.

Mr. SULZER. I said that Mr. Swift, as minister to Japan at a critical time, died in the service of his country just as much as a soldier who dies on the field of battle. Can anyone take exception to that? I think not.

Mr. CANNON. Let us take the precedents. The widow of William H. Hunt, who died while minister to Russia, received by the deficiency act of 1885 six months' salary. The widow of Moses A. Hopkins, who died while minister to Liberia, received six months' salary, \$2,500. The widow of Mr. Marsh, who was for almost a generation our representative at Rome and a very

eminent diplomatic officer, his widow received the balance of one year's salary, the exact amount not being stated.

I do not know this widow. I did not know the deceased, who died ten years ago in the diplomatic service. But he was receiving salary at the rate of \$12,000 a year for his services. Out of that he had to pay all his expenses and everything of that kind. Now, this bill proposes to give his widow a clean sum of \$12,000. It seems to me that this would be a precedent a little stiff, a little heavy; hence I suggested to the gentleman whether, if the bill was to be passed, it would not be more proper to give six months' salary, which would be \$6,000. That would be in accordance with what seems to be the rule. There are more cases of that kind than of the other. There have been found only six or seven cases in the whole diplomatic history of the Government for one hundred years where an individual has received—

Mr. GRAFF. On my own personal responsibility I move to strike out, at the end of the bill, the words "one year" and insert "six months," and also to strike out, in line 8, the word "twelve" and insert in lieu thereof the word "six."

Mr. SULZER. I hope that motion will not prevail. It comes, it seems to me, with very bad grace from the chairman of the committee reporting the bill. There are equities in this matter. The Government owes the estate of Mr. Swift the amount of money expended by him for the Government in Japan, and it seems to me this House should take cognizance of those equities. The amount is several thousand dollars. The facts are set out very fully in the report read to the House, and no one who has listened to it and knows anything about the merits of the case can for one moment hesitate to vote this widow the \$12,000 as provided in the bill. Let us be honest and let us be fair.

I trust that this House will vote down the amendment. The committee has passed on the merits of the bill, has passed upon its equity, and has made a unanimous report in favor of its passage. Now the chairman of the committee gets up and proposes that we compromise with this widow by voting her one-half of the amount reported by the committee to be due her. I will never consent to it. I would rather see the bill beaten here than undertake in this way to compromise with this needy woman. It is small business and unworthy of this House.

Mr. CANNON. There is no statement here as to her poverty or riches.

Mr. SULZER. I do not know Mrs. Swift. I never saw her, but I make the statement on information furnished me by her friends. I understand she lives on the Pacific coast and is in straitened circumstances. But rich or poor, in my judgment, this is a just bill and should pass.

Mr. CANNON. The report is silent on that matter. I have no desire to antagonize this widow, whether rich or poor; but when we come to deal with this class of cases, I think we should be reasonably careful. I know of some poor widows of members of Congress in regard to whose poverty I have absolute statements. I have one such case now in my mind; I will not mention names. It is the case of the widow of a member of Congress who died during this session. She is absolutely poverty stricken, and there are some other circumstances about the case which strongly appeal to one's sympathies.

Mr. GROSVENOR. I would like to know what the gentleman from New York [Mr. SULZER] means when he speaks of the "equities" of this case.

Mr. SULZER. If the gentleman will read the report, he will find that Mr. Swift, the husband of this woman, while in the service of the Government as minister to Japan, was put to considerable expense, expended for the Government out of his own pocket—

Mr. HILL. How much?

Mr. SULZER. I can not state positively, but it was considerable, several thousand dollars, and he would have been reimbursed in the usual way if he had not died.

Mr. HILL. Has that information come to the committee at all?

Mr. SULZER. As a matter of fact, I understand that he was put to considerable expense, and the facts were submitted to the committee, and are referred to in the report just read.

Mr. HILL. Not enough to be furnished in any itemized form to the committee.

Mr. SULZER. Oh, yes; I think so.

Mr. HILL. How much?

Mr. SULZER. I can not say, with accuracy. It may have been \$4,000; it may have been \$5,000; it may have been more. At all events, it was in the thousands, and the Government in honor should reimburse the widow.

Mr. GRAFF. I wish to state that I made a mistake when I said the committee had reported this bill unanimously. I did not remember the vote in the committee upon the bill. I am very glad to say that I voted against it in committee, and there was one other member who voted the same way.

Mr. SULZER. Indeed, I asked the gentleman a while ago

whether this was a unanimous report, and he told me that it was.
Mr. GRAFF. I thought so at that time; but since, on consulting the record, I find that I was mistaken.

Mr. SULZER. Well, let that be as it may, it does not change the merits of the case. This bill proposes to make a just payment to the widow of a high diplomatic officer of the Government. I do not know her. I never saw her. She lives on the Pacific coast; but some of her friends have informed me in regard to the merits of the case and asked me to introduce the bill. I did so. I challenge any man on the floor of the House, including my cheese-paring friend from Illinois, to get up here and antagonize the bill on its merits—

Mr. CANNON. I antagonize it only to the extent of \$6,000.

Mr. SULZER. Very well, then, vote against it; that is your privilege as a member; but before I would consent to compromise this just claim of this deserving widow, I would rather see the House, in a spirit of mistaken economy, defeat the bill entirely.

Mr. GROSVENOR. Does the gentleman think the widow would favor that course?

Mr. SULZER. I am speaking for myself. I do not believe in being half fair or half just. She is entitled to it all or nothing.

Mr. GROSVENOR. Would she not rather have the \$5,000 than get nothing?

Mr. SULZER. In my opinion, I think if she were here she would say to the representatives of the Government in this House, who do not hesitate to appropriate thousands and millions of dollars for all kinds of purposes day in and day out, "Well, if you want to cut my claim down to one-half of the amount that is due me, I would rather lose it all now and trust to some future Congress to be fairer and more just and more manly." I will not consent to compromise. I will not agree to the amendment. In the name of fair play and justice, I hope and trust the amendment will be voted down and the bill passed just as it is.

Mr. SOUTHARD. May I ask the gentleman a question?

Mr. SULZER. Yes.

Mr. SOUTHARD. Do you know of any case in which the Government has given—because I call it a gift, and that is what it is—has given more than \$6,000?

Mr. SULZER. Well, the committee, in its report, gives the precedents. There are several. Read them.

Mr. SOUTHARD. Oh, yes.

Mr. SULZER. I have not taken the trouble to find out whether those are all or not, but I believe the Government has given as much as that in several instances. I do not call this a gift; it is a just claim.

Mr. SOUTHARD. As much as \$6,000?

Mr. SULZER. Yes; I would not say positively, but I believe so. I do not believe that there is a case on record where the Government refused to pay the just claim of such an official by giving one year's salary to his widow. That is all I want to say, and I hope the amendment will be defeated and the bill pass.

Mr. PEARCE of Missouri. Mr. Chairman, I find on consulting the records in relation to this matter that there have been numerous cases where Congress has appropriated a year's salary. That was the case of the widow of General Hurlbut, who died while minister to Peru. It was the case of General Kilpatrick, who died while minister to Chile. It was the case of the widow of Henry Garnett, who died while minister to Liberia. The other cases cited were cases where Congress appropriated six months' salary or the balance of a year's salary.

Mr. GROSVENOR. What was the amount per annum of those salaries—for instance, to Chile? Five thousand dollars, was it not?

Mr. PEARCE of Missouri. I think in the case of General Kilpatrick the amount was \$7,500. It is not specified here; but I am stating simply my recollection.

Mr. GROSVENOR. You see where the minister is paid \$12,000 salary a good deal of that is on account of extraordinary expenses to which he is put in maintaining his position as minister, so that \$12,000 given to a widow after the expenses are over is a much larger gift than that of a year's salary where the salary is only \$5,000.

Mr. PEARCE of Missouri. That is true, and if there were not some extraordinary circumstances connected with this case I should feel inclined to support the amendment suggested by my friend from Illinois. But in this case it appears that, owing to the peculiar diplomatic situation at the time, this gentleman was put to extraordinary expense in order to maintain a savor faire at the post to which he was accredited. The Japanese Government is one of the most sensitive governments in the world, and I am able to state of my own personal knowledge that of all beastly, uninhabitable, unattractive, and disgraceful legations in the world, the American legation at Tokio is one of the worst.

Now, this gentleman was in a peculiar situation. Affairs at that post were in a delicate position. And it seems to me that if in the exercise of his discretion he thought it necessary to

expend out of his own pocket several thousand dollars rather than to disturb the kindly condition of things that existed between this Government and Japan, it creates an equitable consideration which imposes upon us an obligation to take a favorable view of this case, and I am inclined, by reason of that fact and of that fact alone, to ask that the amendment, if offered, be disagreed to. I do not understand that the amendment has been offered.

Mr. GRAFF. I offered a couple of amendments, practically making it \$8,000.

Mr. SOUTHARD. How long ago was it that these expenditures were made—how long before the death of the minister?

Mr. PEARCE of Missouri. This expenditure was made for the purpose of completing a house which was under contract. The Japanese Government had acquired the land while this house was under contract and tendered it to the legation, upon condition that they build the house. The contractor constructing the property threw the matter over onto the Government, and the minister had either to back out of the whole situation, and, perhaps, place the Government of the United States in an unfair and discreditable light, or he had to put his hand into his pocket and go on with the work and complete the house. I do not care to make any strenuous argument, but it seems to me it makes an equitable case to which we ought to give consideration.

Mr. SOUTHARD. How long did this happen, before the death of the minister?

Mr. PEARCE of Missouri. I am not able to state.

Mr. SOUTHARD. Do you know whether he made any claim against the Government of the United States for this expenditure?

Mr. PEARCE of Missouri. No; I do not know.

Mr. SOUTHARD. These facts do not seem to be set out.

Mr. CANNON. The fact was that at that time, as at all other places, the American minister furnished his own house.

Mr. PEARCE of Missouri. Yes; that is true.

Mr. CANNON. Now, what agreement this American minister may have had to rent a house I do not know; but he probably made an agreement, which seemed to him wise, the same as ministers before and since have done in Japan and elsewhere, all over the world. They make their own agreement about the houses in which they live.

Mr. PEARCE of Missouri. Yes; but a minister has certain funds from which he pays the rent of the legation.

Mr. CANNON. No; not for his house. He has an allowance for office rent.

Mr. PEARCE of Missouri. I will not be certain about that.

Mr. CANNON. We do not furnish residences for our ministers.

Mr. GROSVENOR. There is not a minister abroad from this country whose house rent is furnished by the Government.

Mr. PEARCE of Missouri. If we do not we ought to, and there is no nation on earth except the United States that fails to do so.

Mr. GROSVENOR. That is right. Let the gentleman proceed on that line. But I have seen a minister of this country abroad drawing \$17,000 a year and paying \$23,000 a year for house rent. They all pay their own rent.

Mr. GRAFF. Still we have ministers.

Mr. GROSVENOR. Yes; and plenty more who are willing.

Mr. GRAFF. I ask for a vote on the amendment.

The question being taken, on a division (demanded by Mr. GRAFF) there were—ayes 34, noes 43.

Accordingly the amendment was rejected.

On motion of Mr. PEARCE of Missouri, the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

EMPLOYEES OF WILLIAM M. JACOBS.

The next business on the Private Calendar was the bill (H. R. 5324) for the relief of the employees of William M. Jacobs.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue be authorized and directed to pay to the employees of William M. Jacobs who were employed between April 10, 1899, and April 19, 1899, inclusive, in his cigar factory at Lancaster, Pa., such sums of money as may be respectively due them for their labor during such period, not exceeding \$30 for any employee and not exceeding \$2,705 for all.

The said sums to be paid by the Commissioner of Internal Revenue after he shall be satisfied as to the identity of the various employees and the correctness of the respective amounts due them, and to be paid out of moneys in the Treasury received from the sale of cigars seized in the factory of said William M. Jacobs and forfeited for violation of the internal-revenue laws.

Mr. GRAFF. I yield ten minutes to the gentleman from Pennsylvania [Mr. BROSIUS], who introduced this bill.

Mr. BROSIUS. Mr. Chairman, the Jacobs Cigar Factory was forfeited to the Government of the United States for fraud in the use of revenue stamps, a case which has become quite celebrated in the United States. There were about 300 employees in this factory engaged in the manufacture of cigars—men, women, boys, and girls. They were all poor people, who were receiving wages from \$2 a week up to perhaps \$12 a week. After the frauds were discovered, the Government, for its own purpose, allowed the factory to continue running for some time. The employees were paid

every two weeks. When the time came that the Government desired to close the establishment, it did so, when about nine days' wages were due to these employees.

If the employees had known what the Government knew, they would have saved their money; but they were not aware of the fact that the Government was continuing the manufacture of cigars, with the full knowledge of the frauds that were being perpetrated. I do not criticize the Government for that, because it was probably necessary in order to make further discoveries; but when they closed, and the entire establishment was forfeited to the Government, these poor people had a claim for nine days' wages. Under the law of Pennsylvania these wages would have been paid; they would be a lien upon the proceeds of the goods that were sold. The Government sold all the cigars and tobacco in the establishment and realized from them a total of \$37,387. These employees lost their wages for that length of time. This bill authorizes the Government of the United States to make them whole by paying that small amount of money out of the proceeds of the cigars which their labor made for the Government of the United States. It is a small amount.

I would like the attention of the chairman of the committee for a moment. I should like to make one or two formal amendments to the bill, by striking out the words, in the third line, "the Commissioner of Internal Revenue" and inserting the words "the Secretary of the Treasury." That is a formal amendment. And also, in the twelfth line, strike out the words "Commissioner of Internal Revenue" and insert the words "Secretary of the Treasury;" and at the end of the bill, with the consent of the chairman of the committee, I would like to add the words "and a sufficient sum is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Mr. GRAFF. I have no objection to that.

Mr. BROSIUS. I ask that those amendments be adopted.

The Clerk read as follows:

On page 1, line 3, after the word "the," strike out the words "Commissioner of Internal Revenue" and insert the words "Secretary of the Treasury;" in lines 12 and 13 strike out the words "Commissioner of Internal Revenue" and insert the words "Secretary of the Treasury;" page 2, line 4, insert: "and a sufficient sum is hereby appropriated out of any money in the Treasury not otherwise appropriated."

The CHAIRMAN. Without objection, the amendments will be considered as agreed to.

There was no objection.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT A. RAGAN.

The next business on the Private Calendar was the bill (H. R. 1409) for the relief of Robert A. Ragan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Robert A. Ragan, of Washington, D. C., his heirs or legal representatives, the sum of \$5,000, in full and final settlement of his claim for damages sustained by reason of the death of his son, William F. Ragan, from injuries received in the Ford's Theater disaster, June 9, 1893.

Mr. GRAFF. Mr. Chairman, I reported this bill in behalf of the committee. The facts are these: Mr. William F. Ragan was a young man in the employ of the United States Government in the Ford's Theater in this city in 1893, when the well-known disaster occurred by the collapse of the building.

At that time an act was passed, in the Fifty-third Congress, authorizing the appointment of a commission, composed of five Senators and five Members of the House, to inquire into that disaster, to summon witnesses and to hear testimony, for the purpose of determining, first, the liability of the Government for injuries which had been produced by reason of the disaster; and if the commission determined that the Government should equitably be liable for the injuries, then they were to have before them the different claims, to hear the matter, and to report to Congress the amount of money, in their judgment, which should be paid for deaths and for less injuries.

Mr. STEELE. Is not the gentleman mistaken in saying that was the Forty-sixth Congress?

Mr. GRAFF. The Forty-third Congress.

Mr. PAYNE. You mean the Fifty-third Congress.

Mr. GRAFF. That is so. As I understand, the building was in process of repair, and there was an attempt made to sustain the building by timbers and scaffolding while it was in the process of repair, and the employees of the Government remained in the building at the time that the repairs were going on. It was determined by the commission that it was negligence on the part of the contractors or the party in charge of the building to allow the repairs to go on in that way, and that the collapse was the result of that negligence; and the commission recognized the equitable liability of the Government to pay for the damages sustained by the employees when they were incurred at the time the disaster occurred. There were 18 immediate deaths and 7 deaths which resulted shortly thereafter from injuries thus sustained.

The cases of those 18 who immediately died were taken up and \$5,000 for each death was paid to the legal representatives of the deceased. Subsequently all of the 7 remaining deaths which occurred afterwards were taken up but one. The legal representatives of 6 of them were recompensed in the sum of \$5,000. The only claim remaining unpaid for death is that of William F. Ragan; and he appeared, not immediately afterwards, when the inquiry was taking place by this commission, and attempted to give testimony, but there were others who had prior right in their order, and hence he could not be heard at that time.

He was suffering then, especially in his lungs, from the pulverized plastering dust which resulted from the collapse of the building. The fact that he did appear is shown by Mr. Brookshire, then a member of the House, and also a member of this commission which was taking the testimony. He came some two or three times for this purpose, with his witnesses, but was postponed to a later day. In the meantime, on account of his health, which was growing worse with each week on account of this disaster and the injuries which he received, he was compelled to go away for his health, and for two years he traveled in the South at the expense of his father, who was a poor man, and finally died, at the end of about two years after the disaster.

The fact that his death occurred from the injuries was shown by evidence, a synopsis of which appears in the report. I saw myself a picture of this young man taken just prior to the disaster. He was 27 years of age, 5 feet 7 inches in height—a splendid-looking young man. His old father was compelled to pay out a large amount of money during the period of travel for his health and medical aid, which he needed in the interim, and he was compelled, as I was advised by the gentleman from Tennessee [Mr. BROWNLOW], who sits near me, to sell his home for the purpose of trying to coax back his sick boy to health. The amount allowed is \$5,000, and we are assured that this is the last of the sufferers from the Ford's Theater disaster.

Mr. MADDOX. What is the evidence you have as to the right of this gentleman to recover?

Mr. GRAFF. The right to recover was established by the action of the commission.

Mr. MADDOX. I want to say to the gentleman that I was a member of that commission myself.

Mr. GRAFF. Of course there was no legal right to recover.

Mr. MADDOX. What evidence have you that he has any right to recover at all? I want to say to the gentleman that this commission was all of four years hearing this evidence.

Mr. SOUTHARD. There was evidence before the committee that the boy was perfectly well before this accident occurred; that immediately after the accident, on the same day, I think, he was seen and found to be suffering, and found to be spitting blood.

Mr. MADDOX. What was the evidence before the committee?

Mr. GRAFF. I will read a portion of the abstract of the testimony which appears in the report:

Hon. E. V. Brookshire, who was a member of the Ford Theater Commission; William F. Ragan, deceased, son of claimant, filed claim for injuries received at the Ford Theater disaster with the Ford Theater Commission. Came to the commission twice with witnesses to be heard. Was unable to do so because of other matters before it. Was too ill to appear again and had left the city for his health. Did not return until commission expired. Several deaths resulted from injuries similar to those stated in this case.

Hon. WALTER P. BROWNLOW, Tennessee: Knew William F. Ragan from childhood; saw him frequently; was from my Congressional district. Before the Ford Theater disaster was strong and healthy. Saw him that day after accident on his way home, bareheaded, without coat, and bleeding at the mouth. Said he was badly bruised; did not know how badly injured. Saw him often thereafter until his death. Began very soon to decline in health, and continued to do so until his death. Learned from him that injury caused extreme nervousness and a severe cough. The claimant, Robert A. Ragan, was at great expense trying to restore his son's health. Sent him, with his brother to care for him, to Texas, Colorado, North Carolina, and Tennessee, covering a period of two years; sacrificed his home doing so. No doubt death was due to accident.

Dr. W. P. C. Hazen, 511 East Capitol street: Was called to see William F. Ragan after the accident at Ford Theater. Found him suffering from severe nervous shock, his breathing difficult on account of great amount of dust inhaled while incarcerated in the building. He developed immediately, as a result of said accident, a bronchial catarrh, caused by inhaling the dust, composed of lime and other foul material, so affecting his general health that it was an absolute necessity for him to leave the city. The greater part of two years was spent in travel trying to regain his health, but of no avail. He died from said bronchial catarrh September, 1897. Deceased previous to accident was a sound, healthy young man, who took the best of care of himself.

Robert A. Ragan, claimant, father of William F. Ragan, deceased: Son lived with me and contributed to my support. Was 27 years old at time of death, September 26, 1897. Height, 5 feet 7 inches; weight, 160 pounds before disaster. It caused him nervous prostration. Dust and gas irritated his throat and lungs, resulting in death. Deceased filed claim with Ford Theater Commission for his injuries. Before his case could be heard his health required him to leave Washington for Texas, Colorado, and Tennessee. Did not return until commission expired. Deceased was unmarried and without property. Medical treatment and expense of travel, accompanied by his brother to care for him, amounting to more than \$1,000, was paid by claimant.

Charles A. Ragan, brother of deceased: Arrived at scene of disaster fifteen minutes after it occurred. Brother just escaping. Was informed by him that he had fallen down and been trampled upon; covered with dirt and bleeding. Accompanied deceased through South and elsewhere in search of health. Expenses paid by my father. Deceased had no property.

Mr. MADDIX. What is the date of the evidence you are reading from?

Mr. GRAFF. This is the evidence that was taken and filed before the committee.

Mr. MADDIX. Have you a report of the medical commission?

Mr. GRAFF. No; he was not examined by the medical commission; he was absent.

Mr. SOUTHARD. He appeared twice before the commission.

Mr. GRAFF. He was absent from home for some time.

Mr. MADDIX. He was here some time after the accident.

Mr. GRAFF. Not very long. He went to the commission on two or three occasions, but all this time his health was in bad condition. He was not employed in any pursuit; he stepped out from this act of employment and ceased to do anything, apparently in need of money and yet doing nothing.

Now, the man who sat next to him in the theater said:

Reinhold Springsguth: William F. Ragan, deceased, sat in seat adjoining affiant at the time of the Ford Theater disaster. Was from ten to fifteen minutes before they could escape from building, which immediately filled to suffocation with brick and mortar dust and escaping gas, rendering breathing almost impossible. Affiant still suffers from effects of same. Before disaster Ragan was a strong, able-bodied young man. Failed very rapidly afterwards. Had a cough and nervous trouble. Stated was due to accident.

Ashby E. Bain: Was in Ford Theater building day of disaster. William F. Ragan sat next to him when it occurred. The room filled at once with dust from brick and mortar and escaping gas. Before that time Ragan was a strong and healthy young man. He failed very rapidly thereafter. Was affected with nervousness and cough.

E. B. Hughes, Winfield S. Clark, and Loyd Weaver: Each state that William F. Ragan's health was good before disaster; failed rapidly thereafter. Knew him intimately and saw him often.

William F. Ragan, deceased, in claim filed before Ford Theater Commission: The shock to my nervous system was such that it brought on insomnia in most extreme form. This was the beginning of the decline of my health, together with a cough from dust which I inhaled in building at the time of this accident, resulting in hemorrhages. I now have difficulty in sleeping and in breathing. My condition is such that I am unable to work.

Mr. MOODY of Massachusetts. Is there anything to indicate whether the commission passed upon this claim?

Mr. GRAFF. They did not pass upon it. This claim has been thoroughly investigated, I will say to the gentleman, with a great deal of prejudice on my part, because ordinarily I should want to have a court examine into the matter. The commission did establish as a general proposition that they would recompense those who were injured in that disaster. This young man is now dead, and did seek to get the benefit of the inquiry by the commission in his lifetime, but was compelled to go South with his brother because he was in a declining condition. It seems to me there ought to be no question, after the establishment of the connection by medical authority between his death and the disaster, in giving him the same amount that others had.

Mr. BARTLETT. As I understand, the Ford Theater Investigating Commission was for the purpose of compensating those who were injured for the injuries they received, and to compensate those who would be entitled to recover for the injuries they received by the death of the employee.

Mr. GRAFF. That is true.

Mr. BARTLETT. Under what principle of law would the father of an adult son be entitled to recover damages for the death of a son? Before the gentleman answers that, I know full well that at common law you could not recover for the homicide or death of the party at all; it is altogether governed by statute. The most the States have done, according to my recollection, is to say where the father—or if the father is not living, the mother—was dependent for support upon the person who was killed, this parent shall have the right to bring a suit against those who were liable for the homicide.

Mr. FITZGERALD of New York. I will say to the gentleman that the statutes of New York are much broader than that.

Mr. BARTLETT. I did not mention any particular State.

Mr. SOUTHARD. The statutes of most of the States are broader than that.

Mr. BARTLETT. I investigated the matter thoroughly at one time, and I do not think the statutes of most of the States are broader.

Mr. GRAFF. Right here in the District of Columbia there is a statute with reference to personal injuries.

Mr. MADDIX. The commission, I think, adopted a different rule from that contended for by my colleague.

Mr. GRAFF. In other words, this would be in harmony with the action of the commission in that regard?

Mr. MADDIX. I think it would.

Mr. GRAFF. But I wish to say in addition that in this District there is a statute providing that in case of the wrongful death of a person by the act of another, the personal representatives of the deceased—for instance, the administrator—may sue for and recover damages, the amount being limited to \$10,000; and the amount recovered is distributed as though it were the estate of an intestate, and goes to the heirs at law. But in this case it seemed to me that when the father had already paid out something like

\$1,000 of his own money—after he had ruined himself financially in taking care of his son—it was equitable that this amount should go to him. I am informed by a gentleman here who was a member of the commission that this is exactly the manner in which they made the awards payable.

Mr. CRUMPACKER. I understand, from the statement of the case made by the chairman of the committee, that the son during his lifetime contributed to the support of the father.

Mr. GRAFF. Exactly.

Mr. CRUMPACKER. So that the father had a pecuniary interest in the life of the son.

Mr. GRAFF. He had.

Mr. CRUMPACKER. I think that answers the requirement of every statute in the country on this subject.

Mr. STEELE. I do not see how it was necessary for the son to contribute to his father's support, if the father was able to send both his sons off on a tour for their health.

Mr. GRAFF. He sold his home in order to do it.

Mr. MADDIX. I would like to occupy a few minutes. Permit me to say that this commission was established during the Fifty-third Congress, and I was appointed as one member of it. We examined these cases. In fact, we held court practically for four years during the sessions of Congress, and on one or two occasions during the recess. We tried every case upon its merits. We invited everybody interested to be present. I have some recollection of this case. This gentleman was invited to be present. Nobody was ever turned away, so far as I have heard.

Whether this claim be a just one or not, it is more creditable, to say the least, than some things which happened in connection with the history of this Ford Theater matter. This disaster was brought about, as the evidence before the commission disclosed, in this way: The present Chief of the Record and Pension Office undertook to put an electric-light plant under that building, and, according to the evidence, he went to work upon the advice of an ordinary stationary engineer and undermined that building so that it fell in upon those clerks.

That was the evidence before the commission. Instead of calling upon some engineer of the Department—somebody that knew something about this business—he deliberately went ahead without the advice of any expert and undermined that building so that it fell in upon those people. You will find by examining the evidence that a number of the clerks who were there when this work was being done became alarmed at the condition of things and took their leave. Some of them went fishing, some went elsewhere, simply because they knew what was going to transpire. And the attention of the officer who directed this excavating was called to the dangerous character of the work. The result was that the building fell in, and a number of people were badly injured; some killed. An investigation was held in this city by the coroner, and the officer to whom I have referred was held for murder, or something of that kind—I do not know what.

Mr. GROSVENOR. He was indicted and tried.

Mr. MADDIX. I do not think he was ever tried before any jury. The facts are these: That notwithstanding the evidence went conclusively to show that it was through his neglect that the building collapsed, this House turned round and absolutely paid him for all the expense and trouble he had incurred in the course of the investigation of his own wrong.

Mr. GROSVENOR. And the expenses of his trial also.

Mr. MADDIX. And of the trial also. Now, as to this particular case, I do say this for the commission, that we held the door open for four years. We gave careful and close investigation to the matter. In other words, we tried every case upon its merits, and the number of them was about 150, as I recollect. We invited them all to come in. I think this gentleman whom you speak of now was in Denver, Colo., at one time, when his case was called.

Now, I am unable to say what the evidence was as to him; but there was a medical commission appointed, consisting of one member from the Navy, one from the Army, and one from civil life, as I recollect, to examine all of these men who were hurt as to their injuries and the extent of them, and that is the reason I asked the gentleman the question as to whether this claimant had been examined by that commission or not.

Mr. GRAFF. That is all right. I invite investigation of every case which we present.

Mr. MADDIX. But I do say that we gave opportunity to everybody who had any claim. It is true we rejected some of them, because they had no case, but as to this particular case I can not say.

Mr. GRAFF. It is true, however—

Mr. MADDIX. The court was open for four years to give them a chance to establish their claims.

Mr. GRAFF. It is true that Mr. E. V. Brookshire, a member of the House, was a member of your commission.

Mr. MADDIX. Yes; and Judge Daniels, of New York, was a member of it also. Senator Harris was chairman.

Mr. GRAFF. Mr. Brookshire states that this claimant was there several times when you were trying other cases, and then he subsequently was sent away because his health was so bad that he could not remain in the city longer.

Mr. MADDOX. We arranged it in this way: We would have their cases set for them and notify them when they could appear.

Mr. GRAFF. I am informed by the gentleman from Tennessee [Mr. BROWNLOW] that this man could not get back in time to have the benefit of the inquiry before the commission.

Mr. MADDOX. Of course, I can not say about that. That is a question for the House to consider.

On motion of Mr. GRAFF, the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. PAYNE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 2657) to reimburse sundry collectors of internal revenue for internal-revenue stamps paid for and charged in their accounts and not received by them; in which the concurrence of the House was requested.

HEIRS OF WILLIAM RYAN AND JOHN S. TAYLOR.

The committee resumed its session.

The next business on the Private Calendar was the bill (H. R. 3819) for the relief of the widows and children of William Ryan and John S. Taylor, deceased.

The bill was read, as follows:

Be it enacted, etc., That the claims of the widows and children of William Ryan and John S. Taylor, deceased, for compensation for the death of said decedents, which occurred on or about the 1st day of September, 1896, while they were employed by the United States in connection with the construction of a battery at Finns Point, N. J., be, and the same are hereby, referred to the Court of Claims, with jurisdiction to ascertain and determine whether the death of said decedents was caused by the act, neglect, or default of the United States or its agents, and if it shall so appear the said court shall render judgment against the United States in favor of said widows and children for any damages that may have been sustained through the death of said decedents: *Provided,* That no suit shall be brought under the provisions of this act after six months from the passage hereof.

Mr. GRAFF. The gentleman from New Jersey [Mr. LOUDENSLAGER] introduced this bill, and I will yield to him.

Mr. LOUDENSLAGER. Mr. Chairman, the facts of the case are these: That William Ryan and John S. Taylor were employed by the Government in the erection of a fortification at Finns Point, in Salem County, N. J. As is very well stated in the report, a tunnel had been excavated in which the United States was causing to be dug sand and gravel intended to be used in making concrete which was to be put in place in the fortification. The tunnel was about 12 feet in diameter. Through it there had been laid a tramway on which were two tracks. These led from the mouth of the tunnel up a steep grade to a concrete mixer on or near the parapet of the fortification.

On the morning of September 1, 1896, in compliance with the orders of the superintendent of the work, Ryan and Taylor had repaired to the tunnel and resumed their work of loading the cars with sand and gravel. One car had been loaded and drawn up the incline and dumped and was about to be run down for another load. The other car, which had also been loaded, had just been drawn to the top of the incline, where it struck the bumper at the end of the track with considerable force. At or about this moment both cable eyes slipped off the hooks of the cars, which descended into the tunnel, running over and killing both Ryan and Taylor. From their position in the tunnel, Ryan and Taylor could not see the descending cars, and had no warning of their danger; but even if they had had such warning no care or foresight on their part would have enabled them to escape. With two cars standing in the tunnel, side by side, the clearances between them and the sides of the tunnel were less than 1 foot, or space insufficient for a man to stand in and permit the cars to pass.

After the accident the apparatus and the tunnel were examined by the superintendent in charge of the work, in company with the local coroner and his jury. While these men were in the tunnel one car again broke away from its coupling and they barely escaped with their lives. Had two cars broken away simultaneously they would have met the same fate as Ryan and Taylor. Thereafter the superintendent caused the hooks upon the cars to be provided with bolts, which, when in place, completely closed the opening of the hook and prevented the eyes of the cables from slipping off. This simple alteration made the apparatus safe, and thereafter no cars broke from their couplings and ran down the incline.

While Ryan and Taylor had an opportunity to see the device by which the cable was attached to the car, neither of them had anything to do with the equipment or operation of the tramway, which things were within the control of the superintendent in charge of the work and the engineer who had charge of the engine which operated the cable. Besides, neither Ryan nor Taylor had reason to know that the apparatus was unsuitable or unsafe.

The testimony of a large number of witnesses, filed with the committee, shows that this accident was apparently due to the neglect or fault of the Government, and this bill simply refers the claims of the representatives of these two men to the Court of Claims, with jurisdiction for them to ascertain, decide, and render judgment upon the matter.

Mr. CANNON. It seems to me this report ought to be read.

Mr. LOUDENSLAGER. Would not printing it do just as well? The bill simply refers the case to the Court of Claims.

Mr. CANNON. This bill is too broad in any event, as I understand it. It refers the case to the Court of Claims—

With jurisdiction to ascertain and determine whether the death of said decedents was caused by the act, neglect, or default of the United States or its agents, and if it shall so appear the said court shall render judgment against the United States in favor of said widows and children for any damages that may have been sustained through the death of said decedents: *Provided,* That no suit shall be brought under the provisions of this act after six months from the passage hereof.

In the first place, there is no limit to the damages which may be awarded. It may be a hundred thousand dollars. In none of the States, so far as I know, can there be a recovery of over \$5,000 in a case of this kind.

Mr. GROSVENOR. Yes; in some of the States a greater sum is allowed. The limit in Ohio is \$10,000.

Mr. CANNON. Again, as I understand the rule, these people were fellow-servants, and the United States is not responsible under such conditions.

Mr. LOUDENSLAGER. The bill refers the matter to the Court of Claims, to determine whether the accident was caused by the fault of the Government or not.

Mr. CANNON. There may have been contributory negligence.

Mr. GROSVENOR. The language of the bill lays down too broad a rule, because it might be by the wrongful act, fault, or neglect of the Government, and yet the Government might not be liable at all, by reason of the law of fellow-servants or by reason of contributory negligence. Certainly the examination by the court ought to be limited in that direction.

Mr. CRUMPACKER. Was the Government prosecuting this work on its own account or through contractors?

Mr. LOUDENSLAGER. On its own account; under the direction of the War Department.

Mr. DALZELL. And the alleged negligence was the negligence of the Government.

Mr. LOUDENSLAGER. The superintendent was an appointee of the War Department and had control of all that matter.

Mr. CANNON. It is a long time since I have practiced law; but suppose these were all fellow-servants, and that these parties who received the injuries knew of the defect which led up to the accident?

Mr. GROSVENOR. That would be contributory negligence.

Mr. CANNON. Well, now, there is no provision for that here.

Mr. GROSVENOR. That is what I say; there ought to be.

Mr. CANNON. It seems to me it ought to be put in shape, if it pass at all. Then, I do not understand that the Government has ever, except in extreme cases where the injury was so great, the accident so startling, like the Ford's Theater, has ever held itself liable for accidents. There is no general law on that point, and if we once open the door you bankrupt the Treasury, I dare say.

Mr. BOUTELL of Illinois. Mr. Chairman, I think when the nature of the employment of these men is understood and the manner in which this accident occurred, the only feeling we will have in this committee is that we ought to provide here in this measure some compensation for the widows of these two men.

These men were common laborers—men working with pick and spade. No question of contributory negligence or negligence of a coemployee arises in this case. Our courts have held that coemployees are those engaged in the same line of work, with the same general class of responsibility.

These two men were working with pick and shovel in a steep and narrow tunnel, in which there were two tracks, on which the dump cars were hauled up and down. The method of hauling up these cars was by a loop at the end of the car, to which a hook coupling was placed. These cars had broken away frequently before this accident, and the engineer in charge had attempted to remedy the defect by placing a pin in order to keep the hook from slipping, and these two men had reason to suppose that in making this change he made the cars perfectly safe.

But notwithstanding that change, on the morning this accident happened, these two cars coming up to the head of the incline with a sudden jar, were both loosened, and both shot down abreast through this narrow tunnel at a terrific rate of speed, coming upon these two men without warning and without any opportunity whatever for escape, and killed them instantly. Under these circumstances, as I say, it seems to me that the only hesitation that we have in respect to these cases is, that instead of sending them to the Court of Claims, we possibly might afford them here, and at this time, the relief to which they are entitled.

Mr. CRUMPACKER. Will the gentleman allow me to ask him a question?

Mr. BOUTELL of Illinois. Yes.

Mr. CRUMPACKER. Who is responsible for this accident?

Mr. BOUTELL of Illinois. The work was being done on account of a fort in New Jersey, under the direction and supervision of an officer of the War Department, and the person directly responsible for this accident was the engineer in charge of this engine, who was at the mouth of the tunnel through which these cars were hauled up.

Mr. CRUMPACKER. Then he would be legally liable, and is legally liable, to the representatives of the deceased in each case, is he not?

Mr. BOUTELL of Illinois. Possibly.

Mr. CRUMPACKER. In an accident of that kind all these questions of contributory negligence can be intelligently determined.

Mr. LOUDENSLAGER. Mr. Chairman, I offer two amendments. On page 1, line 12, after the word "agents," insert "without any contributory negligence upon the part of said deceased."

The Clerk read as follows:

Page 1, line 12, after the word "agents," insert the words "without any contributory negligence upon the part of said deceased."

Mr. GRAFF. I would like to ask the gentleman from Illinois [Mr. BOUTELL] if he approves that amendment?

Mr. BOUTELL of Illinois. I think this amendment would be a wise addition to the bill.

The question was taken; and the amendment was agreed to.

Mr. LOUDENSLAGER. And on page 2, line 1, after the word "damages," insert "not exceeding \$5,000 to the widow and children of each."

The Clerk read as follows:

On page 2, line 1, after the word "damages," insert the words "not exceeding the sum of \$5,000 to the widow and children of each."

The question was taken; and the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GUS A. NOWAK.

The next business was the bill (H. R. 5739) for the relief of Gus A. Nowak.

The bill was read, as follows:

Be it enacted, etc., That the sum of \$100 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid to Gus A. Nowak, in full satisfaction of his claim against the United States for damages to wagon and harness caused by horse taking fright at dummy engine on grounds at Fort Schuyler, Tuesday, September 24, 1899, said sum of money to be paid under direction of the Secretary of War, who shall take proper receipt from said Gus A. Nowak.

The amendment recommended by the committee was read, as follows:

In line 3 strike out the words "one hundred" and insert in lieu thereof the word "fifty."

Mr. GRAFF. Mr. Chairman, I yield to the gentleman from Illinois [Mr. BOUTELL], who reported the bill.

Mr. BOUTELL of Illinois. Mr. Chairman, this is a subject of such magnitude that I hesitate to attempt to explain it in the absence of the author of the bill. It involves the payment of \$50 to Gus A. Nowak, of New York. The accident was caused at Fort Schuyler, N. Y. The beneficiary of this bill was the owner of a horse and wagon. He was driving some contractors upon a Government reservation to do some work ordered by the officer in charge. As his wagon stopped to allow these men to alight, steam intentionally or accidentally was let off right in front of the horse's head. The horse took fright and ran away, and caused some damage to the harness, the wagon, and the horse. The claimant put in a bill for \$100.

The subcommittee having this matter in charge, having some knowledge of horses, wagons, and harness, concluded that a run-away of that nature can not involve an expenditure of more than \$50, and recommend that the bill pass with an amendment inserting \$50 instead of \$100; and I move the adoption of the amendment offered by the committee.

Mr. GROSVENOR. Mr. Chairman, it seems that we have reached the reductio ad absurdum of claims against the United States Government. Recently a decision was made by a judge in the State of New York that throws some light upon the principles involved here. A horse and wagon, about the size of this one, passing along a street met an automobile, and the horse concluded that he would run away. He did, and smashed up the wagon to the extent of about a hundred dollars. The judge delivered a very sensible decision, in which he said that horses must get accustomed to civilization and progress and the instrumentalities of civilization of the day in which we live; that horses in this country protested against the bicycle when it first came around, especially when a man or a woman was on it; but they had got quieted down finally so that they tolerated bicycles and street cars, and now they must get used to automobiles.

Now, the gist of this action, if there is any action at all, is that somebody is negligent. Who was it; the man that let off the steam or the man that let his horse stand there?

Mr. KING. There is no evidence that anyone was negligent.

Mr. GROSVENOR. It must be negligence or nothing. Who was negligent; the man who let off the steam or the man who allowed his horse to stand there and run away? It is the most preposterous claim that I ever heard of in my life. There is no allegation that anybody was to blame. Is it possible that we have come to this, that if steam is blown off from an engine all the consequences must be charged up to the Government, whether the engineer knew there was anybody within a mile of the engine or not?

Mr. ROBINSON of Indiana. How much does this bill carry?

Mr. BOUTELL of Illinois. Fifty dollars.

Mr. ROBINSON of Indiana. I believe it was estimated the other day by the gentleman from Pennsylvania [Mr. SIBLEY] that it cost \$3,700 a day to carry on a debate. If this claim is only \$50, we are very extravagant, notwithstanding the question of contributory negligence is not settled.

Mr. GROSVENOR. In answer to that wise remark of the gentleman from Indiana, I will say that if we shut off this fifty-dollar steam there may not be occasion to use \$3,700 again to-morrow. This claim has no legal standing whatever.

Mr. BOUTELL of Illinois. In reply to the statement of the gentleman from Ohio, I wish to say that if this report was read it would show the facts as I have stated them. I believe the statement in the report would be sufficient. The affidavit of Mr. Ralph, who was present, shows the circumstances under which it occurred; and there was carelessness on the part of the officer of the Government.

Mr. GROSVENOR. In what respect?

Mr. BOUTELL of Illinois. In beckoning him to go under the rope, which they lifted up, and just as the horse started they let off the steam.

Mr. GROSVENOR. Who let off the steam? It does not appear that anybody let it off. It might have been an automatic valve.

The CHAIRMAN. The question is on the amendment.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with a favorable recommendation.

The question was taken; and on a division (demanded by Mr. BOUTELL of Illinois) there were—ayes 20, noes 19.

So the bill as amended was laid aside to be reported to the House with a favorable recommendation.

Mr. GRAFF. Mr. Chairman, I ask unanimous consent that the Senate bill which just came over to the House, as I am advised, the number of which I do not have, but which is to reimburse certain collectors of internal revenue, be taken up by unanimous consent.

Mr. PAYNE. The bill is not in the House, and the committee will have to rise.

The CHAIRMAN. The bill is not before the Committee of the Whole. It would have to be referred to the Committee of the Whole by action of the House.

Mr. GRAFF. Mr. Chairman, I ask that the committee do now rise for that purpose.

The CHAIRMAN. The gentleman from Illinois moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HEMENWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bills H. R. 3376, H. R. 460, H. R. 6038, S. 392, H. R. 150, H. R. 3044, H. R. 4303, S. 1284, H. R. 2824, H. R. 6749, H. R. 5324, H. R. 1409, H. R. 3819, and H. R. 5739, some with amendments and some without amendments, and that the committee had directed him to report the same back with the recommendation that those without amendment do pass and that those with amendment as amended do pass. Also, that the committee had had under consideration the bill H. R. 213 and had directed him to report the same back with the recommendation that it lie on the table.

The SPEAKER. The Clerk will report the first bill.

FRANKLIN LEE AND CHARLES F. DUNBAR.

The first business was the bill (H. R. 3376) for the relief of Franklin Lee and Charles F. Dunbar, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

UNION IRON WORKS, SAN FRANCISCO, CAL.

The next business was the bill (H. R. 460) for the relief of the Union Iron Works, of San Francisco, Cal.

The SPEAKER. The first question is on the amendment reported from the Committee of the Whole House.

Mr. GRAFF. I ask unanimous consent that the Senate bill which is now on the table, S. 1894, may be substituted for the House bill.

Mr. DRIGGS. I do not want to object, but I have a bill which is similar to this one, and I would like to offer it as an amendment.

Mr. GRAFF. This is not the bill which the gentleman supposed it to be.

Mr. DRIGGS. Very well; I withdraw my suggestion.

The SPEAKER. The gentleman from Illinois [Mr. GRAFF] seems to be in error about there being on the table a Senate bill similar to House bill 460.

Mr. GRAFF. I find that the Senate bill is on the Private Calendar.

The SPEAKER. Then it will be necessary for the gentleman to ask to discharge the Committee of the Whole House from the consideration of that bill, that it may be considered and passed in the House. That will require unanimous consent.

Mr. GRAFF. Then I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of Senate bill 1894 and that the House now proceed to its consideration.

There was no objection.

The bill S. 1894 was ordered to a third reading, read the third time, and passed.

The SPEAKER. Without objection, House bill 460, the provisions of which are identical with the Senate bill just passed, will lie upon the table.

There was no objection.

GENERAL MARINE INSURANCE COMPANY OF DRESDEN.

The next business was the bill (S. 392) to pay the General Marine Insurance Company of Dresden the sum of \$1,434.12 for certain coupons detached from United States bonds, which said coupons were lost on the Cunard steamship *Oregon*, sunk at sea March 14, 1886.

The bill was ordered to a third reading, read the third time, and passed.

The SPEAKER. Without objection, House bill No. 213, corresponding in its provisions with Senate bill 392, just passed, will lie on the table.

There was no objection.

EDWIN L. FIELD.

The next business was the bill (H. R. 150) for the relief of Edwin L. Field, of Gray, Cumberland County, Me.

Mr. GRAFF. Is there not a Senate bill corresponding with this on the table?

The SPEAKER. There is such a bill in the hands of the Committee on Claims.

Mr. GRAFF. Then I ask that the Senate bill be substituted for the House bill and that the House bill lie on the table.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the Committee on Claims be discharged from the further consideration of Senate bill 1356 and that the same be considered by the House in lieu of the House bill reported from the Committee of the Whole House. Is there objection? The Chair hears none.

The House proceeded to the consideration of Senate bill 1356; which was ordered to a third reading, read the third time, and passed.

The SPEAKER. Without objection, House bill No. 150, similar in its provisions to the Senate bill just passed, will be laid on the table.

There was no objection.

JOHN M. MARTIN.

The next business was the bill (H. R. 3044) for the relief of John M. Martin, of Ocala, Fla., which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

W. H. L. PEPPERELL.

The next business was the bill (S. 1284) for the relief of W. H. L. Pepperell, of Concordia, Kans.; which was ordered to a third reading, read the third time, and passed.

JOHN C. BATES AND JONATHAN A. YECKLEY.

The next business was the bill (H. R. 2824) to pay certain judgments against John C. Bates and Jonathan A. Yeckley, captain and first lieutenant in the United States Army, for acts done by them under orders of their superior officers, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MARY A. SWIFT.

The next business was the bill (H. R. 6749) for the relief of Mary A. Swift; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ROBERT A. RAGAN.

The next business was the bill (H. R. 1409) for the relief of Robert A. Ragan; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The following bills, reported from the Committee of the Whole with amendments, were severally considered, the amendments agreed to, the bills as amended ordered to be engrossed and read a third time, read the third time, and passed:

A bill (H. R. 5749) for the relief of Gus. A. Nowak;

A bill (H. R. 819) for the relief of the widows and children of William Ryan and John S. Taylor, deceased; and

A bill (H. R. 5324) for the relief of the employees of William M. Jacobs.

On motion of Mr. GRAFF, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

RELIEF OF CERTAIN INTERNAL-REVENUE COLLECTORS.

Mr. GRAFF. Mr. Speaker, I ask unanimous consent that Senate bill 2657, which passed the Senate to-day and has come over to the House, be considered by the House as in Committee of the Whole.

The SPEAKER. The gentleman from Illinois asks unanimous consent that Senate bill 2657 be taken from the Speaker's table and considered in the House as in Committee of the Whole. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I ask the gentleman what is the bill?

Mr. GRAFF. The bill does not include the gentleman's bill, as I understand. His bill was introduced separately, and, as I remember, is not included in House Document 303.

Mr. UNDERWOOD. What bill does the gentleman refer to?

Mr. GRAFF. I am asking for the consideration of a Senate bill which proposes to reimburse all those internal-revenue collectors who are mentioned in Document 303 of the House, which document contained a recommendation of the Commissioner of Internal Revenue and also of the Secretary of the Treasury.

Mr. UNDERWOOD. I will ask the gentleman if he will consent to the offering of an amendment to the bill to include the collector for Alabama?

Mr. GRAFF. The gentleman's bill is H. R. 11133, reported this morning by the Committee on Claims, but it was not reached in Committee of the Whole this afternoon.

Mr. PAYNE. And that is not included in the Senate bill?

Mr. GRAFF. I understand it is not included in the Senate bill.

Mr. UNDERWOOD. My question is, if unanimous consent is given to consider the Senate bill now, whether the gentleman will consent to an amendment being offered to include in the Senate bill an amendment to reimburse the Alabama collector?

Mr. GRAFF. Certainly; I will have no objection to that.

Mr. DRIGGS. I ask the gentleman from Illinois if he will object to the bill that I have spoken to him about, which refers to the same subject?

Mr. GRAFF. That is all right. That is reported by the committee, too.

Mr. PAYNE. Are these included in the recommendation of the Commissioner of Internal Revenue?

Mr. GRAFF. They are not included in that document, but the same recommendations are made by the Commissioner of Internal Revenue.

Mr. PAYNE. I do not like to see this thing multiply all over the United States without due consideration and evidence as to the claims that these men have.

Mr. DRIGGS. My amendment will simply include the reimbursing of three men in the Brooklyn office, whose claims amount to about a thousand dollars, and are indorsed by the collector of internal revenue.

Mr. GRAFF. They are claims of the same kind. They all rest upon the same ground, and are absolutely recommended by the Commissioner of Internal Revenue. These claims arose out of the confusion which existed in the office of the Commissioner of Internal Revenue, right after the passage of the war-tax bill. The reason for asking unanimous consent for the consideration of the Senate bill is because individual bills were introduced into the House and referred to our committee—10 in number—all resting upon this single Senate document. We thought it would be easier to consider the one Senate bill which embraces all the claims.

The SPEAKER. Is there objection to the request of the gentleman from Illinois for the present consideration of the Senate bill? There was no objection.

The bill (S. 2657) to reimburse sundry collectors of internal revenue for internal-revenue stamps paid for and charged in their account and not received by them was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the following named collectors of internal revenue the following sums, deposited by them, respectively, in the Treasury of the United States in payment for adhesive revenue stamps, issued to them by the Commissioner of Internal Revenue, and not received, sold, or accounted for by them, namely:

To David W. Henry, collector of internal revenue at Terre Haute, Ind., for stamps issued to him in July, 1898, \$296.78;

To John M. Kemble, collector of internal revenue at Burlington, Iowa, for stamps issued to him on June 30, 1898, \$2,000;

To James D. Gill, collector of internal revenue at Boston, Mass., for stamps issued to him on July 10, 1898, \$1,053;

To Frederick von Baumbach, collector of internal revenue at St. Paul, Minn., for stamps issued to him on July 13, 1898, \$350;

To Charles H. Treat, collector of internal revenue for the Second district of New York, at New York City, for stamps issued to him in July, 1898, \$1,256.50;

To Ferdinand Eidman, collector of internal revenue for the Third district

of New York, at New York City, for stamps issued to him in June and July, 1898, \$188.84;

To James C. Entekin, collector of internal revenue at Chillicothe, Ohio, for stamps issued to him on June 27, 1898, \$1,408;

To Frank McCord, collector of internal revenue at Cleveland, Ohio, for stamps issued to him in June and July, 1898, \$950;

To James S. Fruit, collector of internal revenue at Pittsburg, Pa., for stamps issued to him in June and July, 1898, \$970.71;

To J. H. Bingham, collector of internal revenue at Birmingham, Ala., for stamps issued to him on June 29, 1898, \$100;

And there is hereby appropriated for said purpose, out of any moneys in the Treasury not otherwise appropriated, the sum of \$8,573.83.

Mr. GRAFF. Mr. Speaker, I desire to say to the gentleman from Alabama [Mr. UNDERWOOD]—

Mr. UNDERWOOD. I find that the claim I spoke of is included in the bill.

The SPEAKER. The first thing in order, unless general debate is desired, is the reading of the bill by sections.

Mr. GRAFF. I ask that that be omitted, by unanimous consent.

The SPEAKER. The House by unanimous consent can allow the offering of amendments to any part of the bill.

Mr. GRAFF. The gentleman from New York [Mr. DRIGGS] has one amendment that he desires, and I believe that is all that is desired to be offered to the bill.

The SPEAKER. If there is no objection, members will be permitted to offer amendments to any part of the bill, and the reading for amendment will be dispensed with. Is there objection to this mode of procedure?

There was no objection.

Mr. DRIGGS. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Insert after line 18, on page 3, the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James A. B. Miles, \$200; to E. D. Kelly, \$228.02; and to Rawlings Webster, \$440.79, as a reimbursement to the aforesaid Miles, Kelly, and Webster for moneys paid by them to the United States internal-revenue collector at Brooklyn, N. Y., to cover shortage in the adhesive-stamp account in the internal-revenue department in Brooklyn, N. Y., said shortage not having been caused by any malfeasance or dishonesty on the part of the aforesaid Miles, Kelly, or Webster. The above appropriation shall be in full for all claims against the United States Government."

Mr. DRIGGS. Mr. Speaker, I sent that amendment up in that form because I knew the House was anxious to have the bill passed, and I would suggest that only the names and amounts be placed in the bill. The bill is identical in character with the one which has been reported from the Senate, and I ask that the amendment be put in proper form.

The SPEAKER. The Clerk will endeavor to arrange this so as to meet the suggestion of the gentleman from New York.

Mr. DRIGGS. I will merely state, inasmuch as some members have asked me in relation to this, that these shortages were caused entirely by the confusion just after the passage of the war-revenue measure, in June, 1898. It seems that the Internal-Revenue Department sent out the stamps as best they could, and the invoices of the stamps did not arrive at the internal-revenue collectors' offices throughout the United States, in some cases, for two weeks afterwards. The stamps were sent to them in broken packages, and I know that at the Brooklyn office the invoices were not correct. They could not agree on the amount, and the consequence was that these young men in this office were ordered by the collector of internal revenue to pay the shortage. That was done, and he now recommends, as also does the Commissioner of Internal Revenue, that the bill be adopted.

Mr. LITTLEFIELD. It was an error in account?

Mr. DRIGGS. It was an error in account.

Mr. SOUTHARD. What became of the stamps?

Mr. LITTLEFIELD. It was an error in account.

Mr. DRIGGS. As I stated to the gentleman, I can not account for that. They were probably lost in transit, the majority of them were lost in transit, and possibly lost in making the statement out.

Mr. GROSVENOR. As I understand, it is on all fours with the others?

Mr. DRIGGS. It is exactly the same kind of claim.

The SPEAKER. The Clerk will now report the amendment, and the attention of the gentleman from New York is invited to it as it will be read by the Clerk.

The Clerk read as follows:

Insert after line 14, page 3, the following:

"To James A. B. Miles, \$200; to E. D. Kelly, \$228.02; to Rawlings Webster, \$440.79, to cover shortage in adhesive-stamp account in the internal-revenue department of Brooklyn, N. Y."

Mr. DRIGGS. I thank the Speaker.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. Without objection, the Clerk will arrange the totals so as to agree with the amendment.

There was no objection.

Mr. GRAFF. I think it due the House to explain that in House Document No. 303 the following recommendations are made by the Secretary of the Treasury, and the amounts are given here,

and I would ask the Clerk to notice the Senate bill and see whether the amounts and the names are the same:

D. W. Henry, Seventh district, Indiana	\$296.78
J. M. Kemble, Fourth district, Iowa	2,000.00
J. D. Gill, Third district, Massachusetts	1,053.00
F. von Baumbach, district of Minnesota	350.00
Charles H. Treat, Second district, New York	1,256.50
Ferd. Eidman, Third district, New York	188.84
J. C. Entekin, Eleventh district, Ohio	1,408.00
F. McCord, Eighteenth district, Ohio	950.00
J. S. Fruit, Twenty-third district, Pennsylvania	970.71

Then there is an amount to J. H. Bingham, which is not mentioned in this document, at \$100, which is provided in a separate bill, introduced by the gentleman from Alabama [Mr. UNDERWOOD], and it was reported favorably to our committee. It is inserted in the Senate bill. The Commissioner of Internal Revenue in this same document makes the following explanation of the causes of these shortages:

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., January 13, 1900.

SIR: I have the honor to transmit herewith claims of nine collectors of internal revenue, with a statement in each case, for the refunding of moneys deposited by them to make good their accounts with this office of adhesive stamps which the records of this office show to have been sent to them, but which in each case appear never to have been received.

I have given a careful examination to each of these cases and believe the facts as presented to be true.

In the confusion attendant upon the transmission and issue of adhesive stamps by this office to collectors, for a short time after the passage of the act of June 13, 1898, when the force of this office in charge of said work remained on duty night and day for several days and worked extra hours for several weeks, and while the force in the several collectors' offices throughout the country were compelled to resort to like methods in order to get the work done, blunders and errors were no doubt made, and it was out of this confusion that the discrepancies in the accounts evidenced by these bills occurred. I am satisfied that there was no dishonest transaction of any kind connected with any of them, and that no one in the collectors' offices benefited thereby.

I therefore request that the claims be referred to the proper committee of Congress with the recommendation that the relief asked for be granted.

Respectfully,

G. W. WILSON, Commissioner.

The SECRETARY OF THE TREASURY.

Then follows a suggested form in which a bill should be presented, and in several cases that was followed by members of the House. These several bills came before our committee, were favorably reported, and it was suggested that they had better go upon the Senate bill, because it disposes of the whole matter in one bill.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to an enrolled bill of the following title:

S. 1127. An act granting an increase of pension to Hannah G. Strong.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 4368. An act granting a pension to Flora B. Hinds;

H. R. 8405. An act granting a pension to Sophronia Seely;

A bill (H. R. 10279) to provide for sittings in the circuit and district courts of South Carolina in the city of Florence, S. C.; and

A bill (H. R. 10696) relating to the Twelfth and subsequent censuses and giving the Director thereof additional power and authority in certain cases, and for other purposes.

CHANGE OF REFERENCE.

By unanimous consent the bill (S. 1781) granting an increase of pension to Julia MacN. Henry, which had been referred to the Committee on Invalid Pensions, was referred to the Committee on Pensions.

LEAVE TO PRINT.

By unanimous consent, Mr. RYAN of New York obtained leave to print some remarks in the RECORD on the bill (H. R. 4718), the same having passed the House May 7, 1900.

Mr. BALL obtained leave to extend his remarks in the RECORD on House resolutions 236 and 229.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 4 o'clock and 23 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a copy of a letter from the Surgeon-General of the Army proposing an amendment to the Army bill relating to the transportation of medical and hospital property—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy

of a communication from the Secretary of the Interior submitting an estimate of appropriation for the public-land service—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Surgeon-General of the Marine-Hospital Service submitting an estimate of appropriation for quarantine service in Hawaii—to the Committee on Appropriations, and ordered to be printed.

A letter from the Attorney-General, transmitting a list of judgments against the Government under the act of March 3, 1887—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 4450) to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis., reported the same with amendment, accompanied by a report (No. 1271); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GARDNER of New Jersey, from the Committee on Labor, to which was referred the bill of the House (H. R. 6882) limiting the hours of daily services of laborers and mechanics employed upon work done for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes, reported the same with amendment, accompanied by a report (No. 1272); which said bill and report were referred to the House Calendar.

Mr. LANHAM, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 2582) to provide for the establishment of the intersection of the true one hundredth meridian with Red River, to ascertain the amount of taxes collected by the State of Texas in what was formerly known as Greer County and the expenditures made on account of said county by said State, and for other purposes, reported the same with amendment, accompanied by a report (No. 1283); which said bill and report were referred to the House Calendar.

Mr. STEWART of Wisconsin, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 6446) to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriation therefor, reported the same with amendment, accompanied by a report (No. 1285); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DOUGHERTY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 9389) to authorize the Seneca Telephone Company to construct and maintain lines in the Indian Territory, reported the same with amendment, accompanied by a report (No. 1286); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2020) granting a pension to Clarissa Carruth, reported the same with amendment, accompanied by a report (No. 1244); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4215) granting a pension to Belle Bean, reported the same without amendment, accompanied by a report (No. 1245); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9839) granting an increase of pension to Emily H. Wood, reported the same with amendment, accompanied by a report (No. 1246); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4037) granting an increase of pension to Ellen M. Mansur, reported the same without amendment, accompanied by a report (No. 1247); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the House (H. R. 11010) granting an increase of pension to James H. Eastman, reported the same without amendment, accompanied by a report (No. 1248); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2020) granting a pension to Sarah E. Fortier, reported the same without amendment, accompanied by a report (No. 1249); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4040) granting an increase of pension to Mary C. Gage, reported the same without amendment, accompanied by a report (No. 1250); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2362) granting a pension to B. H. Brasted, reported the same with amendment, accompanied by a report (No. 1251); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3337) granting an increase of pension to Buren R. Sherman, reported the same without amendment, accompanied by a report (No. 1252); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3879) granting an increase of pension to Isaac Gause, reported the same without amendment, accompanied by a report (No. 1253); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9783) granting an increase of pension to Benjamin F. Dennis, reported the same with amendment, accompanied by a report (No. 1254); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1918) granting an increase of pension to John E. Higgins, reported the same without amendment, accompanied by a report (No. 1255); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10758) granting a pension to Sallie B. Wilson, of Macon, Ga., reported the same with amendment, accompanied by a report (No. 1256); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8639) granting an increase of pension to Isaac B. Hoyt, reported the same without amendment, accompanied by a report (No. 1257); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3047) granting an increase of pension to William Mullevy, reported the same without amendment, accompanied by a report (No. 1258); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8540) granting a pension to Lydia J. De Silva, reported the same with amendment, accompanied by a report (No. 1259); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9378) granting a pension to Irving Johnson, reported the same with amendment, accompanied by a report (No. 1260); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1776) granting a pension to John Carr, reported the same without amendment, accompanied by a report (No. 1261); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3314) granting a pension to Mary I. Bradbury, reported the same without amendment, accompanied by a report (No. 1262); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9043) to increase the pension of David S. Snyder, reported the same with amendment, accompanied by a report (No. 1263); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6776) granting a pension to Annie Chamberlain, reported the same with amendment, accompanied by a report (No. 1264); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1552) granting an increase of pension to Helen L. Dent, reported the same without

amendment, accompanied by a report (No. 1265); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2296) granting an increase of pension to John J. Sears, reported the same without amendment, accompanied by a report (No. 1266); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3277) granting an increase of pension to Solon Cooper, reported the same without amendment, accompanied by a report (No. 1267); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2101) granting an increase of pension to George E. Scott, reported the same without amendment, accompanied by a report (No. 1268); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3900) granting a pension to Sarah Clark, reported the same without amendment, accompanied by a report (No. 1269); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5894) to increase the pension of Nathaniel Townsend, reported the same with amendment, accompanied by a report (No. 1270); which said bill and report were referred to the Private Calendar.

Mr. SOUTHARD, from the Committee on Claims, to which was referred the bill of the House (H. R. 11138) to reimburse James C. Entekin, collector of internal revenue at Chillicothe, Ohio, reported the same without amendment, accompanied by a report (No. 1273); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 9619) to reimburse J. M. Kemble, reported the same without amendment, accompanied by a report (No. 1274); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11134) for the relief of Frederick Von Baumbach, collector of internal revenue at St. Paul, Minn., reported the same without amendment, accompanied by a report (No. 1275); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10288) for the relief of James D. Gill, collector of internal revenue of Boston, Mass., reported the same without amendment, accompanied by a report (No. 1276); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10671) to reimburse D. W. Henry, reported the same without amendment, accompanied by a report (No. 1277); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11137) to reimburse Frank McCord, reported the same without amendment, accompanied by a report (No. 1278); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11135) for the relief of Ferdinand Eidman, collector of internal revenue for the Third district of New York, at New York City, reported the same without amendment, accompanied by a report (No. 1279); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10955) for the relief of J. H. Bingham, reported the same without amendment, accompanied by a report (No. 1280); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10604) for the relief of James S. Fruit, collector of internal revenue at Pittsburg, Pa., reported the same without amendment, accompanied by a report (No. 1281); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11133) for the relief of Charles H. Treat, collector of internal revenue for the Second district of New York, of New York City, reported the same without amendment, accompanied by a report (No. 1282); which said bill and report were referred to the Private Calendar.

Mr. BREAZEALE, from the Committee on Patents, to which was referred the bill of the House (H. R. 5711) extending the term of patent No. 287230, reported the same without amendment, accompanied by a report (No. 1284); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MAHON: A bill (H. R. 11378) to carry into effect the stipulations of Article VII of the treaty between the United States and Spain concluded on the 10th day of December, 1898—to the Committee on War Claims.

By Mr. DALY of New Jersey: A bill (H. R. 11379) for the classification of clerks in the first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY C. SMITH: A bill (H. R. 11380) for the establishment of a life-saving station at Presque Isle, Lake Huron, Michigan—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11381) to provide for a light-house keeper's dwelling on Grosse Isle, South Channel Ranges, Detroit River, in the State of Michigan—to the Committee on Interstate and Foreign Commerce.

By Mr. BROSIUS: A bill (H. R. 11382) to amend section 5200 of the Revised Statutes of the United States, extending the limits of loans by national banks—to the Committee on Banking and Currency.

By Mr. SHERMAN: A bill (H. R. 11383) permitting the building of a dam across the St. Joseph River near the village of Berrien Springs, Berrien County, Mich.—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN VOORHIS: A bill (H. R. 11402) granting thirty days' leave of absence with pay to the employees of the Government Printing Office and the Bureau of Engraving and Printing—to the Committee on Printing.

By Mr. GROSVENOR (by request): A bill (H. R. 11403) to facilitate the entry of steamships engaged in the coasting trade between Porto Rico and the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. THROPP: A joint resolution (H. J. Res. 250) authorizing and directing the Secretary of the Treasury to adjust and pay certain claims of the State of Pennsylvania—to the Committee on War Claims.

By Mr. SULZER: A resolution (H. Res. 249) sympathizing with the Boers—to the Committee on Foreign Affairs.

By Mr. KING: A resolution (H. Res. 250) providing for the payment of \$2,000 to Brigham H. Roberts—to the Select Committee on the Roberts Case.

By Mr. SWANSON: A resolution (H. Res. 251) directing the Clerk of the House to pay to R. C. Kilmartin \$266.67 as salary as clerk to the late Representative Sydney P. Epes—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOREING: A bill (H. R. 11384) granting an increase of pension to A. W. Pickering, late a scout in the Union Army—to the Committee on Invalid Pensions.

By Mr. GLYNN: A bill (H. R. 11385) for the relief of Thomas C. Ellison—to the Committee on Claims.

Also, a bill (H. R. 11386) to remove charge of desertion from record of James Farley, late of Company D, Second United States Artillery—to the Committee on Military Affairs.

By Mr. LENTZ: A bill (H. R. 11387) to correct the military record of Isaac I. Kennard—to the Committee on Military Affairs.

Also, a bill (H. R. 11388) granting an increase of pension to Warner Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11389) granting an honorable discharge to James A. Smith, deceased—to the Committee on Military Affairs.

By Mr. LONG: A bill (H. R. 11390) for the relief of Abraham Larue—to the Committee on Claims.

By Mr. MEYER of Louisiana: A bill (H. R. 11391) to authorize Charles E. Fenner, executor of George E. Payne, deceased, to prosecute his claim before the Court of Claims—to the Committee on War Claims.

By Mr. MILLER: A bill (H. R. 11392) granting a pension to Emily Hayes—to the Committee on Pensions.

By Mr. QUARLES: A bill (H. R. 11393) granting an increase of pension to Mrs. R. A. Bradshaw—to the Committee on Pensions.

By Mr. SHERMAN: A bill (H. R. 11394) for the relief of William G. Mayer—to the Committee on Naval Affairs.

By Mr. SULLOWAY: A bill (H. R. 11395) granting a pension to Sarah J. Binnix—to the Committee on Invalid Pensions.

By Mr. TAYLER of Ohio: A bill (H. R. 11393) granting a pension to Hugh H. Poe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11397) granting a pension to James Ormsby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11398) granting a pension to Catherine G. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11399) granting a pension to Joseph P. Boals—to the Committee on Invalid Pensions.

By Mr. ZIEGLER: A bill (H. R. 11400) granting a pension to E. E. Loucks, widow of Isaac Loucks, Company I, Twenty-sixth Pennsylvania Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11401) granting a pension to Jacob A. Graham, captain of Company F, Thirteenth Pennsylvania Cavalry—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD (by request): A bill (H. R. 11404) for the relief of William Cunningham, of Courtland, Ala.—to the Committee on War Claims.

Also (by request), a bill (H. R. 11405) for the relief of the estate of James Campbell, deceased, late of Jackson County, Ala.—to the Committee on War Claims.

Also (by request), a bill (H. R. 11406) for the relief of Alfred O. Williamson, Gurley, Madison County, Ala.—to the Committee on War Claims.

Also (by request), a bill (H. R. 11407) for the relief of Cornila Till, of Lauderdale County, Ala.—to the Committee on War Claims.

Also (by request), a bill (H. R. 11408) for the relief of estate of Jesse Vann, deceased, late of Madison County, Ala.—to the Committee on War Claims.

Also (by request), a bill (H. R. 11409) to remove charge of desertion from Eli Tippet—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 11410) to remove charge of desertion from John J. Tittle—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 11411) for the relief of Josiah Jackson, of Lauderdale County, Ala.—to the Committee on War Claims.

Also (by request), a bill (H. R. 11412) for the relief of William J. Wilcoxson, of Lauderdale County, Ala.—to the Committee on War Claims.

Also (by request), a bill (H. R. 11413) for the relief of Alfred O. Williamson, Gurley, Madison County, Ala.—to the Committee on War Claims.

Also (by request), a bill (H. R. 11414) for the relief of the estate of Elisha B. Clapp, deceased, late of Madison County, Ala.—to the Committee on War Claims.

Also (by request), a bill (H. R. 11415) for the relief of Mary N. Westmoreland, of Obion County, Tenn., formerly of Lauderdale County, Ala.—to the Committee on War Claims.

Also (by request), a bill (H. R. 11416) for the relief of Nancy J. Watkins—to the Committee on War Claims.

Also (by request), a bill (H. R. 11417) for the relief of William M. Fussell, of Lauderdale County, Ala., formerly of Tishomingo County, Miss.—to the Committee on War Claims.

Also (by request), a bill (H. R. 11418) for the relief of Hampton W. Kelley, of Madison County, Ala.—to the Committee on War Claims.

Also (by request), a bill (H. R. 11419) for the relief of the trustees of the Primitive Baptist Church, of Huntsville, Madison County, Ala.—to the Committee on War Claims.

Also (by request), a bill (H. R. 11420) for the relief of Jeff. Eason, Madison County, Ala.—to the Committee on War Claims.

Also (by request), a bill (H. R. 11421) for the relief of the estate of Alexander F. Perryman, deceased, late of Lauderdale County, Ala.—to the Committee on War Claims.

Also (by request), a bill (H. R. 11422) for the relief of Calvin S. Hill, of Lauderdale County, Ala.—to the Committee on War Claims.

Also (by request), a bill (H. R. 11423) for the relief of William P. James, of Jackson County, Ala.—to the Committee on War Claims.

By Mr. LORIMER: A bill (H. R. 11424) granting an increase of pension to Frances P. Trumbull—to the Committee on Invalid Pensions.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 11425) to increase the pension of James R. Brockett—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of Local Union No. 77, of Philadelphia, Pa., American Federation of Musicians, protesting against the employment of the United States Marine Band in such a way as to take from civilian musicians their means of livelihood—to the Committee on Labor.

By Mr. BALL: Petition of J. G. Booth and others, of a committee of surviving soldiers of Texas who served in the Indian wars, for the enactment of a law in their behalf—to the Committee on Pensions.

By Mr. BELLAMY: Resolutions of the Chamber of Commerce of Wilmington, N. C., indorsing House bill No. 10374, increasing

the postage on certain publications and favoring 1-cent local letter postage—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Chamber of Commerce of Wilmington, N. C., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. BOREING: Petition of Boling Post, No. 135, of Bush Branch, Ky., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. CONNELL: Petition of T. J. Thomas, of Scranton, Pa., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. CRUMPACKER: Papers to accompany House bill No. 10599, granting a pension to George Lambert—to the Committee on Invalid Pensions.

Also, petitions of Charles Crawford and other druggists, of Ombrria, Ind., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. CUMMINGS: Protest of Charles L. Spencer and 38 wage-workers, of New York City, against the passage of House bill No. 10275, amending the postal law relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Veteran Post, No. 436, and E. A. Kimball Post, No. 100, Department of New York, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. DENNY: Petition of Buschman Brothers, of Baltimore, Md., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. GAMBLE: Petitions of retail druggists and citizens of Eureka, Castlewood, Chamberlain, Pierpont, Hurley, and Frey, S. Dak., relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. GRIFFITH: Petition of Paget Post, 180, of Bennington, Ind., Grand Army of the Republic, favoring the passage of Senate bill No. 1477, relating to pensions—to the Committee on Invalid Pensions.

By Mr. JETT: Petition of E. B. Joesting and other druggists of Alton, Ill., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. KAHN: Petition of the board of supervisors of Placer County, Cal., protesting against the passage of Senate bill 2320, establishing the Lake Tahoe National Park—to the Committee on the Public Lands.

By Mr. KETCHAM: Petition of Wood & Bolton, of Poughkeepsie, N. Y., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. LOUDENSLAGER: Petition of Williams Donnally, secretary National Dental Association, in favor of the Army dental bill—to the Committee on Military Affairs.

Also, petition of citizens of Williamstown and Bridgeton, N. J., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. LYBRAND: Petition of John Young and other druggists of Ada, Ohio, for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. MEYER of Louisiana: Petition of J. W. Fairfax and other stock and bond brokers of New Orleans, La., for the repeal of the revenue tax of \$50 imposed upon their business as a license—to the Committee on Ways and Means.

By Mr. NEVILLE: Petition of the Woman's Christian Temperance Union of Cody, Nebr., urging the enactment of the anticanteen bill—to the Committee on Military Affairs.

Also, evidence to accompany House bill, No. 11175, granting a pension to Seth Raymond—to the Committee on Invalid Pensions.

By Mr. POWERS: Resolutions of the American Association of China, favoring the passage of a bill for the improvement of the consular service—to the Committee on Foreign Affairs.

Also, resolution of the New England Shoe and Leather Association, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON: Petition of McKinney Brothers and other druggists of Fayetteville, Tenn., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. ROBERTS: Petition of Barrett Woman's Christian Temperance Union, of Lynn, Mass., in favor of the Bowersock anti-canteen bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. RUCKER: Resolutions of John D. Mullins Post, No. 188, and Pinhart Post, No. 68, Grand Army of the Republic, Department of Missouri, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HENRY C. SMITH: Petition of Edward M. McMillin and members of the First Presbyterian Church of Adrian, Mich., to prevent the dealing in intoxicating drinks upon premises used for military purposes—to the Committee on Military Affairs.

By Mr. SPERRY: Petition of Mansfield Post, of Middletown, Conn., Grand Army of the Republic, favoring the passage of Senate bill No. 1477, relating to pensions—to the Committee on Invalid Pensions.

Also, petition of druggists of Waterbury, Derby, and Guilford, Conn., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. STEWART of New Jersey: Petition of Samuel Sykes and other druggists of Paterson, N. J., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. STEWART of Wisconsin: Resolutions of Samuel H. Sizer Post, No. 207, of Marinette, Wis., Grand Army of the Republic, urging the passage of certain amendments to the present pension law—to the Committee on Invalid Pensions.

Also, petition of clerks of the Milwaukee (Wis.) post-office, in favor of the passage of House bill No. 4351, for the classification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Gallagher & McCarthy, of Shawano, Wis., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. SULLOWAY: Petition of F. S. Prescott and 10 other citizens of Epping, N. H., in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. UNDERWOOD (by request): Paper to accompany House bill to remove the charge of desertion from the record of John J. Little—to the Committee on Military Affairs.

Also, petition of the heirs of V. Burrow, deceased, late of Lauderdale County, Ala., for reference of war claims to the Court of Claims—to the Committee on War Claims.

Also, petition of Tabitha Stephens, of Jackson County, Ala., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of Nathaniel Kenmemer, deceased, of Jackson County, Ala., to refer claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Malinda McClendon, of Jackson County, Ala., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of George Cross, of Jackson County, Ala., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of David Derrick, of Jackson County, Ala., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Sarah Derrick, of Jackson County, Ala., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. WADSWORTH: Petition of 4 postal clerks of Dansville, N. Y., favoring the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

Also, petition of James Gallagher and 10 members of Branch 353, National Association of Letter Carriers, Niagara Falls, N. Y., favoring the passage of House bill No. 4911, in the interest of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Grange No. 870, Patrons of Husbandry, Caledonia, N. Y., in favor of the passage of House bill No. 3717, known as the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petition of Grange No. 870, Patrons of Husbandry, of Caledonia, N. Y., and B. N. Walker and 15 citizens of Bergen, N. Y., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. WEYMOUTH: Petition of the Baptist Church of Ashland, Mass., in favor of the Bowersock anti-canteen bill—to the Committee on Insular Affairs.

By Mr. JAMES R. WILLIAMS: Papers to accompany House bill granting an increase of pension to James R. Brackett—to the Committee on Invalid Pensions.

Also, resolutions of the Cumberland Presbyterian Young People's Society of Christian Endeavor of Mount Vernon, Ill., against island saloons and canteens—to the Committee on Alcoholic Liquor Traffic.

By Mr. WILSON of Idaho: Petition of C. H. Arbuckle, State game warden, and other citizens of Idaho, for the establishment of a fish hatchery at Henrys Lake, Idaho—to the Committee on the Merchant Marine and Fisheries.

By Mr. YOUNG: Petition of Grain Dealers' National Association of Chicago, Ill., praying for a reduction of the war-revenue

tax on grain or cotton tickets and bills of lading—to the Committee on Ways and Means.

Also, resolution of the Chamber of Commerce of the State of New York, favoring the passage of House bill No. 10374, modifying the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. ZIEGLER: Papers to accompany House bill granting a pension to E. E. Loucks, widow of Isaac Loucks, late of Company I, Twenty-sixth Pennsylvania Infantry—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to grant a pension to Jacob A. Graham, captain of Company F, Thirteenth Pennsylvania Cavalry—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, May 9, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. RAWLINS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

TRADE RELATIONS WITH FRANCE AND ALGERIA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 26th ultimo, a statement showing the quantity and value of merchandise imported into the United States from France and Algeria, by months, under the provisions of the reciprocal commercial arrangement concluded on May 28, 1898, etc.; which, with the accompanying papers, was referred to the Committee on Finance, and ordered to be printed.

ALLEGED VIOLATIONS OF CIVIL-SERVICE LAW.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 3d instant, certain information relative to what action, if any, has been taken by the Department of Justice in reference to alleged violations of the civil-service law; which, with the accompanying papers, was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

WILLIAM H. THEOBALD.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, in response to a resolution of the 30th ultimo, calling for the report of Special Agent W. A. Sutherland, relative to the connection of William H. Theobald with the Chinese investigation and criminal trial of Deputy Collector Porter, of Malone, etc., stating that for certain reasons given he deems it his duty for the present not to make the report public; which was ordered to lie on the table and be printed.

GOVERNMENT FOR HAWAII.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting estimates of appropriations required to carry out certain provisions of an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900; which was referred to the Committee on Appropriations, and ordered to be printed.

COMPENSATION IN LIEU OF MOIETIES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the acting chief of division of customs, Treasury Department, in relation to the inadequacy of the sum of \$10,000 for "compensation in lieu of moieties," for the ensuing fiscal year, and recommending that the amount be increased to \$20,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

COURTS IN HAWAII.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney-General submitting additional estimates of appropriations for salaries of clerk and reporter of the United States district court, additional United States district judges, and miscellaneous expenses, United States courts, Territory of Hawaii; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

ELECTION IN CUBA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in further response to a resolution of March 21, 1900, certain information relative to the qualifications required to entitle a person to vote at the coming election in the island of Cuba, etc.; which, with the accompanying papers, was referred to the Committee on Relations with Cuba, and ordered to be printed.